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MEETING

STATE OF CALIFORNIA

INTEGRATED WASTE MANAGEMENT BOARD

JOE SERNA, JR., CALEPA BUILDING

1001 I STREET

2ND FLOOR

CENTRAL VALLEY AUDITORIUM

SACRAMENTO, CALIFORNIA

TUESDAY, JUNE 17, 2003

9:30 A.M.

JAMES F. PETERS, CSR, RPR  
CERTIFIED SHORTHAND REPORTER  
LICENSE NUMBER 10063

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

BOARD MEMBERS

Linda Moulton-Patterson, Chairperson

Jose Medina, Vice Chairperson

Steven R. Jones

Michael Paparian

Cheryl Peace

Carl Washington

STAFF

Mark Leary, Executive Director

Julie Nauman, Chief Deputy Director

Marie Carter, Acting Chief Counsel

Terry Jordan, Deputy Director

Jim Lee, Deputy Director

Howard Levenson, Deputy Director

Rubia Packard, Assistant Director

Pat Schiavo, Deputy Director

Patty Wohl, Deputy Director

Boons Baythavong

Steve Boyd

Mark de Bie

Kathy Marsh

Matt McCarron

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APPEARANCES CONTINUED

STAFF

Trevor O'Shaughnessy

Dana Papke

Steve Uselton

Elena Yates

Calvin Young

ALSO PRESENT

Jon Emerson, City of Redondo Beach

Dr. James Fletcher, California State University, Chico

Jim Gibson, New Point Group

George Larson, Plastic Energy LLC

Chris Perry, California Coastal Commission

Zenny Yagen, Department of Conservation

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1 PROCEEDINGS

2 CHAIRPERSON MOULTON-PATTERSON: I'd like to call  
3 our meeting to order.

4 Good morning. Welcome to the June meeting of the  
5 California Integrated Waste Management Board.

6 Would you please call the roll.

7 SECRETARY WADDELL: Jones?

8 BOARD MEMBER JONES: Here.

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partes? r. Jones, any ex

19 BOARD MEMBER JONES: Thank you, Madam Chair.

20 George Ewan and Mike Schlep from Santa Ynez,  
21 Chuck Helget and Kevin Bosso and Curt Fugii, Ford. John  
22 Cupps this morning, a meet and greet. And Mark Aprea,  
23 meet and greet.

24 And I think that's it.

25 CHAIRPERSON MOULTON-PATTERSON: Is that one at



1 the end working? We can't have you without a microphone.

2 BOARD MEMBER JONES: Some people might like it.

3 CHAIRPERSON MOULTON-PATTERSON: Ms. Peace.

4 BOARD MEMBER PEACE: I'm up to date. Thank you.

5 CHAIRPERSON MOULTON-PATTERSON: Since I'm next in  
6 line, I'll just go ahead.

7 I have one -- I'm up-to-date with the exception  
8 of a fax that came in from Charles Ely, Executive Director  
9 for CHPS. And it was in support of the materials emission  
10 study. And I think -- what number is that? -- Item Number  
11 8.

12 Mr. Medina.

13 VICE CHAIRPERSON MEDINA: Stepped out of my car  
14 at the parking garage this morning and John Cupps was  
15 there to greet me.

16 (Laughter.)

17 VICE CHAIRPERSON MEDINA: Also spoke with Bob  
18 Morales of the Teamsters regarding the proposed  
19 reorganization.

20 CHAIRPERSON MOULTON-PATTERSON: Thank you.

21 I also said hello to John Cupps as I got out of  
22 the car. Thank you.

23 (Laughter.)

24 CHAIRPERSON MOULTON-PATTERSON: Forgot about  
25 that, John.

1 Mr. Paparian.

2 BOARD MEMBER PAPARIAN: I'm up to date. But I  
3 think this state does have some laws on stalking with  
4 that.

5 (Laughter.)

6 VICE CHAIRPERSON MEDINA: That's called good  
7 lobbying.

8 CHAIRPERSON MOULTON-PATTERSON: Absolutely.

9 Thank you.

10 And as I said, welcome. Please turn off all your  
11 cell phones or pagers for the meeting so we can get  
12 through it with the least amount of interruptions.

13 And I just wanted to let you know if you're new  
14 to the Board, there are a limited amount of agendas on the  
15 back table. And there's also speaker slips. If you'd  
16 like to speak to us on an item, please fill it out, please  
17 put the number on it, and give it to Ms. Waddell, who's  
18 right over here. And she'll make sure that we know about  
19 it and we'll hear from you.

20 Mr. Jones, did you have a general report at this  
21 time?

22 BOARD MEMBER JONES: Just a couple things. I  
23 appreciate Mr. Washington covering my Committee in my  
24 absence last week from our committee meetings. I was in  
25 New Orleans for the NSWMA convention. Awful a lot of --

1 not a lot, but some new things on the horizon, but a lot  
2 of people that are clearly interested in our conversion  
3 technology and some things like that. It was a good week.

4 Other than that, that's it, Madam Chair.

5 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.  
6 Jones.

7 Ms. Peace.

8 BOARD MEMBER PEACE: Okay. A couple weeks ago I  
9 toured the East End Project. And it was just so wonderful  
10 to see that a beautiful people-friendly sustainable  
11 building can be created when the will is there.

12 On June 11th we had the first meeting of the  
13 Education and Public Outreach Committee. Kathy Fletcher,  
14 Deputy Secretary of External Affairs for CalEPA gave an  
15 overview of CalEPA's education programs and vision.

16 Tricia Broddrick gave an overview of the Office  
17 of Integrated Environmental Education and how it interacts  
18 with the other programs and committees. She also gave the  
19 Committee an update on pending education legislation.

20 And Chris Peck gave an overview of the Public  
21 Affairs Office.

22 I look forward to working with them and with my  
23 fellow Committee members, Chair Linda Moulton-Patterson  
24 and Carl Washington.

25 Also in May, along with Bonnie Bruce, Joanne

1 Vorhies and Don Peri, I represented the Board at  
2 Disneyland's Jiminy Cricket Environmental Challenge. I  
3 have to say it was an honor for me to be there to  
4 congratulate Mr. Newbacher's 5th grade class on their  
5 first place work -- on the first place work that they did  
6 on their environmental project "Protectors of the Earth."

7 And, Chris, are we ready?

8 We're going to show a short little video. This  
9 is a recap of their project.

10 (Thereupon a video was played.)

11 BOARD MEMBER PEACE: Okay. Thank you, Bob.

12 El Dorado School is a low-income school. Over  
13 half the children at that school are on the free lunch  
14 program. Ninety-six percent of Newbacher's class passed  
15 the 5th grade exit exam in language arts, and the only  
16 school in the district that high. Fifth grade classes at  
17 that same school that did not do the environmental project  
18 scored only 58 percent and 67 percent. In the same  
19 classes, 4th graders, that same group, had only 42 percent  
20 of that class pass the exit exam. Ninety-three percent of  
21 Mr. Newbacher's class passed the math exit exam.

22 I think this is why environmental education is so  
23 important. It instills in children an appreciation for  
24 nature and their environment and makes them aware of the  
25 fact that the quality of the environment in which they

1 live is a direct consequence of what people do to it and  
2 for it.

3 Environmental education creates a forum where  
4 reading, writing, math, and science can all come together  
5 in a field of study that kids can get excited about  
6 because it relates to them and their world today. Our  
7 Office of Integrated Education along with CalEPA is  
8 working to get environmental education into the education  
9 standards.

10 Thank you.

11 CHAIRPERSON MOULTON-PATTERSON: Thank you, Ms.  
12 Peace, and thank you for sharing that. I'm sure you found  
13 attending environmentality and seeing the enthusiasm and  
14 the dedication these kids have is just one of the best  
15 things you can do. Very inspiring. Thank you.

16 Mr. Medina.

17 VICE CHAIRPERSON MEDINA: Thank you, Madam Chair.

18 On May the 28th, I attended the inaugural  
19 ceremonies at the Morongo Band of Mission Indians. The  
20 tribe is constructing a new hotel and casino. And, as you  
21 know, we signed an agreement with them that they would use  
22 recycled content materials in their construction.

23 On that same day I visited the Colton Cement  
24 Plant in Colton. And they point out to me the  
25 requirements imposed on them by the Air Quality Control

1 Board and how closely they're monitored and how they stay  
2 within those requirements.

3           On June the 5th I appeared at a television  
4 interview on a program sponsored by the Cabazon Band of  
5 Mission Indians. We discussed a number of waste  
6 management issues that are of concern to the Coachella  
7 Valley. And so -- they have a number of active programs.  
8 I know we featured the food program that they -- the  
9 recovery program that they have at the Indian Wells Tennis  
10 Club. But it was -- they reach quite a good size audience  
11 there in Coachella valley, and they're making serious  
12 attempts to -- some of them have already exceeded the 50  
13 percent and others are working on that.

14           That concludes my report for today.

15           CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.  
16 Medina. And I appreciate all of your efforts in that  
17 area. We really appreciate it.

18           Mr. Paparian.

19           BOARD MEMBER PAPARIAN: Thank you, Madam Chair.  
20 I'll just mention a couple of things I did the last few  
21 weeks.

22           I spoke on electronic waste issues at a meeting  
23 of the California Waste Association. Really good,  
24 energetic group of folks. I really enjoyed getting  
25 together with them and talking about some of the issues

1 involving E-waste.

2 I met with State and Consumer Services Agency  
3 Secretary Aileen Adams, Arnie Sowell, a number of  
4 officials from the Department of General Services and from  
5 the agency over there, along with Terry Cronin and Jeff  
6 Hunts and some others from the Waste Board, to talk about  
7 future steps on the electronics products procurement,  
8 management, and end-of-life guidelines that have been put  
9 together. And, by the way, those guidelines are available  
10 on the E-waste portion of the Board's website right now.

11 I think that we came up with some good ideas that  
12 the Department of General Services is going to be  
13 following up on. And I know that Arnie Sowell is going to  
14 be putting together a little internal task force, that  
15 some of our staff will be participating on, to help  
16 further the implementation of those guidelines.

17 I also last Thursday and Friday attended a  
18 meeting of the National Electronics Product Stewardship  
19 Initiative up in Seattle. And we made some further  
20 progress on a possible national solution that's going to  
21 be worked on over the summer to see if the various parties  
22 can come to an agreement sometime this fall. That  
23 framework that's going to be talked about over the summer  
24 involves an advanced recovery fee nationally to be in  
25 place for some period of time, followed by partial cost

1 internalization on the part of the manufacturers.

2           And, again, that's -- it wasn't a final agreement  
3 to sign on the dotted line to pursue such a framework.  
4 But we did agree that that would be the framework that we  
5 would try to develop the details of for further review in  
6 September or early October.

7           Couple of other things. I wanted to especially  
8 thank Carroll Mortensen and her staff. She's probably off  
9 doing her legislative business right now. But they've  
10 been working really hard on this state electronics waste  
11 legislation, SB 20, with members of the Legislature, as  
12 well as helping us with a lot of the internal efforts at  
13 the CalEPA as the administration position has put together  
14 on that legislation. And I wanted to especially thank  
15 Carroll and all the legislative staff for their hard work  
16 on that.

17           And then I also wanted to mention one other  
18 thing. We at the Waste Board have been, you know, working  
19 hard on promoting source reduction. And we often toot our  
20 own horn when we do that. But I found out something where  
21 we didn't actually toot our horn when perhaps we should or  
22 at least should at this point. And, that is, that I found  
23 out that a few months ago we shifted from mailing out 30  
24 copies of the Board agenda packet -- you can imagine --  
25 this is a light agenda packet this month. You can imagine



1 how much that is -- in fact it was costing close to \$20 a  
2 packet, as I understand it, just to mail it out, not to  
3 mention the amount of paper that was done. We've switched  
4 to sending those out on CD ROM. And I think it was the  
5 efforts of, Madam Chair, your office, Bonnie Bruce and Deb  
6 McKee, to help make that happen. And I think it's a very  
7 good example of the type of source reduction that can be  
8 done. And as I understand it, the CDs that these things  
9 go out on can be returned and they do get recycled when  
10 they get returned. So we're using a lot less trees, a lot  
11 less paper by doing this. And I think that we should take  
12 note of that.

13 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.  
14 Paparian. And we appreciate very much your work on  
15 E-waste. You've really made a difference.

16 And I just want to point out -- I know Ms. Bruce  
17 has a big part in this. But she's sometimes a little more  
18 out there than Ms. McKee. And Ms. McKee works very  
19 quietly behind the scenes and makes our meetings run  
20 really well and all the committee meetings. And I'm very  
21 proud of the work that she's done. She does a terrific  
22 job. And I think this was a real step forward, Mike, and  
23 I appreciate your bringing it up.

24 And thanks to you too, Bonnie.

25 Mr. Washington.

1 BOARD MEMBER WASHINGTON: Thank you, Madam Chair.

2 I had an ex parte with Ms. Delmatier with NorCal  
3 as I came into the building.

4 And a couple of things. June 2nd through the 4th  
5 I attended the Waste Expo in New Orleans, Louisiana. As  
6 well as yesterday I did a tour of the AMW, Inc.; and,  
7 likewise, visited one of the Waste Management's transfer  
8 stations that they haul their trash for, which was a  
9 pretty good job that they're doing out there.

10 And that's pretty much it for me in terms of some  
11 of the things that have been occurring this month for me.

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fficient vehicles.

20 And I just want to make sure, as we replace our  
21 fleet, small though it may be, that we do use  
22 fuel-efficient vehicles. So I just wanted to bring that  
23 up.

24 And with that I will turn it over to Mr. Leary,  
25 our Executive Director, for his report.

1 EXECUTIVE DIRECTOR LEARY: Thank you, Madam

2 Chair. Good morning, members.

3 Just as a response, Madam Chair, to the extent  
4 we're replacing any fleet vehicles, and there is quite a  
5 crimp on our purchasing in that regard actually  
6 statewide --

7 CHAIRPERSON MOULTON-PATTERSON: I'm sure.

8 EXECUTIVE DIRECTOR LEARY: -- we will replace  
9 them with fuel-efficient, environmentally friendly  
10 vehicles to the extent we make those purchases.

11 I have a brief report, Madam Chair and members.  
12 First, as the Board has directed, staff has been  
13 proactively assisting local enforcement agencies in  
14 planning for the implementation of our C&D regs. As you  
15 know, we've not received notice from the Office of  
16 Administrative Law yet that they've been approved and  
17 finalized. But we're anticipating that, and we've  
18 developed and shared tools with the LEAs to help them  
19 navigate through those permit requirements.

20 We're gathering information at LEA roundtables on  
21 anticipated implementation issues and developing  
22 responses. And we've encouraged the LEAs to begin early  
23 permit discussions with operators and sites in  
24 anticipation of the regulations becoming effective next  
25 month.

1           Relatedly I'd like to report on the status of the  
2 three Crippen-like sites. Maybe we have to find a new  
3 nomenclature besides Crippen-like. But for the time being  
4 it works and everybody understands it the same way.

5           For the three sites that we've identified as high  
6 priority in our C&D site inventory conducted earlier this  
7 year, one site, the River Ranch in Riverside County, is  
8 already subject to a court settlement between the owner  
9 and the county.

10          The second is the Bethencourt site in Imperial  
11 County. The Board approved a Board-managed cleanup under  
12 the 2136 Program last month. We were hoping that the  
13 operator would get the message and begin to take actions  
14 himself. Well, that indeed has happened. The operator  
15 brought equipment in to grind the material, and the work  
16 is approximately 90 percent done, with completion  
17 anticipated by the end of the week. Our LEA has been  
18 visiting the site weekly. When the grinding is complete,  
19 the chips will be hauled to the Colmac Energy Cogen Plant  
20 to use as fuel.

21          Our third high-priority site, the Florin-Perkins  
22 site, we continue to monitor this site extensively and to  
23 work with the LEA on additional enforcement action. On  
24 June 4th we sent a letter to the LEA, which was cc'd to  
25 your offices, suggesting that the LEA issue an amended

1 notice and order with specific recommendations about  
2 managing the pile. We've also indicated our willingness  
3 to participate in legal hearings as needed.

4 In regards to the recently initiated legislative  
5 audit, late last month Julie Nauman, Howard Levenson, and  
6 I met with representatives of the State Auditor's Office  
7 in our formal audit entry meeting. At this meeting the  
8 representatives laid out their general process and  
9 guidelines under which they will be conducting the audit,  
10 including the confidentiality requirements. They're  
11 currently in the scoping phase. We've been meeting fairly  
12 frequently with their principal audit staffer, who now has  
13 space on the 10th floor, on the Crippen situation and the  
14 various permitting and enforcement issues related to that.

15 I wanted to reiterate some comments by Deputy  
16 Director Jim Lee at the Special Waste Committee, since,  
17 because of the Waste Expo, attendance was light at our  
18 Committees last week.

19 We often get a chance to recognize particular  
20 staff for their outstanding dedication. On May 14th, the  
21 2003 CalEPA Household Hazardous Waste and Used Oil Awards  
22 were presented in Bakersfield. The CalEPA, the DTSC, and  
23 the Board jointly sponsor these awards to recognize  
24 outstanding Household Hazardous Waste and Used Oil  
25 Programs throughout the state.

1           This year Matt McCarron of the Board's Uses Oil  
2 and HHW Branch was honored with the Outstanding Personal  
3 Service Award, the highest recognition to an individual,  
4 for outstanding service in promoting pollution prevention  
5 and reduction of hazardous components in the municipal  
6 waste streams and otherwise promoting California's  
7 environmental standards.

8           Matt's contribution to the state's HHW programs  
9 is significant and extensive, dating back more than 10  
10 years. He's been a tremendous resource for regulatory and  
11 technical issues for both local officials and state agency  
12 staff.

13           Matt's basic approach to problem solving is he  
14 listens first. He instills trust and conveys a concern  
15 for the collective as well as the individual. A recent  
16 example of Matt's interest and success in this area is  
17 when we were forced to cancel our HHW conference over  
18 budget concerns earlier this year. You might imagine many  
19 people who were looking forward to that conference were  
20 disappointed. But Matt's been working with those folks  
21 and has redirected that group's energy and several of the  
22 sessions into the CRRRA conference in October next month.

23           We're fortunate to have Matt at the Board and I'd  
24 like to recognize Matt by briefly standing up there, big  
25 guy.

1 (Applause.)

2 EXECUTIVE DIRECTOR LEARY: And with that, Madam  
3 Chair, I conclude my report.

4 CHAIRPERSON MOULTON-PATTERSON: Congratulations,  
5 Matt. We're real proud of all your efforts.

6 BOARD MEMBER JONES: Madam Chair?

7 Mr. Jones.

8 BOARD MEMBER JONES: Do you have Matt's award  
9 there in your hands?

10 I just wanted to see it, because he has done a  
11 great work, and I know as a -- as somebody that has to  
12 deal with that staff --

13 (Laughter.)

14 CHAIRPERSON MOULTON-PATTERSON: That's very nice.  
15 Well deserved.

16 Thank you, Mr. Jones.

17 CHAIRPERSON MOULTON-PATTERSON: Okay. Going over  
18 our agenda today: Items 10 and 22 have been deleted from  
19 the agenda. Items 18, 26, 28, and 40 through 43 were  
20 heard at the committee level only. Items 1, 2, 4, 12, 15,  
21 24, 29 through 32, 33 revised, 34, and 35 revised are  
22 proposed for the consent calendar.

23 Then items 3 revised, 5, 6, 7 revised, 8 revised,  
24 9, 11, 13, 14 revised, 16, 17 revised, 19, 20, 21,  
25 revised, 23, 25, 27, 36 through 39, 44, 45, and 46 will be

1 heard by the full Board in this two-day meeting.

2 And Item 25 is time certain for 1:30 tomorrow on  
3 day two of the Board meeting.

4 The Board members will be having a closed session  
5 at 1:30 today, if -- I think I talked to everyone on that.  
6 I don't know if I talked to you, Mr. Washington.

7 Does that time fit with your schedule?

8 BOARD MEMBER WASHINGTON: Yeah, that's fine.

9 CHAIRPERSON MOULTON-PATTERSON: So we'll be  
10 meeting at 1:30 today in closed session to discuss  
11 litigation and personnel, I believe.

12 Thank you.

13 And the intent today is that we will go through  
14 item 21 today, and that will conclude the Board meeting  
15 for today. And then we'll pick up tomorrow morning at  
16 9:30.

17 So going back to the consent calendar, as I said  
18 items 1, 2, 4, 12, 15, 24, 29 through 32, which is 29 --  
19 maybe I should read all the numbers -- 30, 31, and 32, 33  
20 revised, 34, and 35 revised are proposed for consent  
21 agenda.

22 Does any member wish to pull any items?

23 Mr. Paparian, did you, wish --

24 BOARD MEMBER PAPARIAN: No, I'm ready to move it.

25 CHAIRPERSON MOULTON-PATTERSON: Oh, you're ready



1 to move it.

2 Okay. Mr. Paparian.

3 BOARD MEMBER PAPARIAN: Madam Chair, I'll move  
4 the consent calendar as read.

5 CHAIRPERSON MOULTON-PATTERSON: Thank you.

6 BOARD MEMBER JONES: Second.

7 CHAIRPERSON MOULTON-PATTERSON: We have a motion  
8 by Mr. Paparian, seconded by Mr. Jones, to approve the  
9 proposed consent agenda which has been read.

10 Please call the roll.

11 SECRETARY WADDELL: Jones?

12 BOARD MEMBER JONES: Aye.

13 SECRETARY WADDELL: Medina?

14 VICE CHAIRPERSON MEDINA: Aye.

15 SECRETARY WADDELL: Paparian?

16 BOARD MEMBER PAPARIAN: Aye.

17 SECRETARY WADDELL: Peace?

18 BOARD MEMBER PEACE: Aye.

19 SECRETARY WADDELL: Washington?

20 BOARD MEMBER WASHINGTON: Aye.

21 SECRETARY WADDELL: Moulton-Patterson?

22 CHAIRPERSON MOULTON-PATTERSON: Aye.

23 The consent calendar has been approved.

24 We have had some new committees formed, as I  
25 announced last month. And, Ms. Peace, I believe you gave

1 your report on -- Ms. Peace is the Chair of the Education  
2 and Public Outreach Committee. And I believe you've given  
3 your report in your other report. So unless there's  
4 anything else, we'll skip that. It went very well. And  
5 I'm very excited about this committee. I think it's a  
6 really important committee and I'm just very, very happy  
7 that Ms. Peace agreed to be the Chair of this Committee.

8 All of Budget & Admin items will be heard for the  
9 next two days.

10 Mr. Washington, would you like to give us an  
11 update on your committee at this time?

12 BOARD MEMBER WASHINGTON: Certainly, Madam Chair.  
13 I would just like to announce that the Budget & Admin  
14 Committee did meet. We had 12 items, 8 on fiscal consent,  
15 and then we have 4 that went to the full Board.

16 And that would conclude my report.

17 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.  
18 Washington.

19 Okay. So we'll begin the agenda with another  
20 newly formed committee. And this is Sustainability &  
21 Market Development.

22 Mr. Jones, would you like to give an update on  
23 your committee? Even though I do realize that you were on  
24 vacation during the committee meeting.

25 So should I turn it over to Mr. Washington or --

1 BOARD MEMBER JONES: Absolutely. My report is I  
2 heard he did a good job.

3 CHAIRPERSON MOULTON-PATTERSON: Okay, Mr.  
4 Washington.

5 BOARD MEMBER WASHINGTON: Thank you, Madam Chair.

6 Due to the absence of our Chair, the  
7 Sustainability & Market Development Committee met on June  
8 10th. We had 12 items: Four of those went on consent.  
9 Three went to the fiscal consent. Five items went to the  
10 full Board. That was File Item 11, SB 1066 application;  
11 the 1999-2000 biennial review, that's Item 12. We also  
12 dealt with the ADC investigations as they relate to  
13 claiming diversion for the use of ADC, Item 13; as well as  
14 two scopes of work, Item 6 and 14.

15 And I want to thank the Committee members who  
16 were there with us in the Committee. And, Mr. Jones, we  
17 hope that we did a good job for you keeping that committee  
18 moving forward.

19 That concludes my report.

20 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.  
21 Washington.

22 Ms. Wohl, this takes us to Item Number 3, which  
23 is on fiscal consent, but will be heard by the full Board.

24 DEPUTY DIRECTOR WOHL: Good morning, Madam Chair,  
25 Board members.

1           Agenda Item 3 is consideration and approval of  
2 contractor for the RecycleStore.com Marketing Services  
3 Contract (Fiscal Year 2002-2003). This item received  
4 consensus from both the Sustainability & Market  
5 Development Committee as well as the Budget & Admin  
6 Committee. The contract is in the amount of \$57,500 to  
7 Making Ideas Happen.

8           Staff recommends the Board approve Option 1 and  
9 adopt Resolution 2003-328 revised.

10          CHAIRPERSON MOULTON-PATTERSON: Any questions or  
11 a motion.

12          Mr. Jones.

13          BOARD MEMBER JONES: I have a question, Madam  
14 Chair.

15          Part of the scope of work says that there's a  
16 pay-per-click strategy that's going to be developed as  
17 part of this contract. What's a pay-per-click? I mean,  
18 you know, I want to know if it's people that we're trying  
19 to attract, if we're going to

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1 firm called. Overture. And what that does is is that  
2 identifies key words and META Tags that will lead people  
3 to our website. And it's an interesting technology. I'm  
4 not sure that we're going to be proceed with it beyond the  
5 testing stage.

6 But, for example, if you typed in the word "gift"  
7 that you were looking for at a search engine, this would  
8 take you to a site that the contractor has actually bid  
9 on. And if you go to that site, we would pay Overture --  
10 or the contractor -- this is an expense that the  
11 contractor pays for this service. The contractor would  
12 actually pay the Overture site a bid price of anywhere  
13 from a penny to 75 cents for the lead. So it's nothing  
14 that affects RecycleStore.com. It affects the marketing  
15 effort by the contractor.

16 BOARD MEMBER JONES: Okay. But not our stake --  
17 Okay. That's all I wanted to know.

18 CHAIRPERSON MOULTON-PATTERSON: Mr. Washington  
19 has a question.

20 BOARD MEMBER WASHINGTON: Thank you, Madam Chair.  
21 If no other questions, I was going to move the  
22 item.

23 CHAIRPERSON MOULTON-PATTERSON: Oh, okay.  
24 Mr. Washington.

25 BOARD MEMBER WASHINGTON: And just before that,

1 Steve, before you leave, I want to mention, Madam Chair,  
2 that I -- at the Committee last week with Ms. Peace and I,  
3 I talked about being in New Orleans. And the RecycleStore  
4 is already on the map. And that is certainly due to the  
5 work that Steve has done with this recycling store. Some  
6 folks came up to me and say -- when they found out I was  
7 from California, say, "Hey, we understand the Integrated  
8 Waste has a recycling store." And so I wanted Steve to  
9 know that this is only going to enhance. It's not going  
10 to do very much more for you, but it's certainly going to  
11 enhance your ability to get out there even further. And I  
12 wanted the Board to know that I'm very proud of the work  
13 that Steve and those guys are doing with putting that  
14 recycling store on the map. And I wanted to congratulate  
15 them. And you guys keep up the good work on that.

16 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.  
17 Washington.

18 Thank you, Mr. Boyd.

19 MR. BOYD: Yes, and I thank you as well. And I  
20 do want to mention that it's a total Recycle Market  
21 Development Zone effort.

22 BOARD MEMBER WASHINGTON: Excellent job.

23 Madam Chair, I'd like to move Resolution 2003-328  
24 revised, consideration and approval of contractor for the  
25 RecycleStore.com Marketing Services Contract (Fiscal year

1 2002-2003 Contract Concept 14).

2 BOARD MEMBER JONES: Second.

3 CHAIRPERSON MOULTON-PATTERSON: Okay. We have a  
4 motion by Mr. Washington, seconded by Mr. Jones, to  
5 approve Resolution 2003-328 revised.

6 Please call the roll.

7 SECRETARY WADDELL: Jones.

8 BOARD MEMBER JONES: Aye.

9 SECRETARY WADDELL: Medina?

10 VICE CHAIRPERSON MEDINA: Aye.

11 SECRETARY WADDELL: Paparian?

12 BOARD MEMBER PAPARIAN: Aye.

13 SECRETARY WADDELL: Peace?

14 BOARD MEMBER PEACE: Aye.

15 SECRETARY WADDELL: Washington?

16 BOARD MEMBER WASHINGTON: Aye.

17 SECRETARY WADDELL: Moulton-Patterson?

18 CHAIRPERSON MOULTON-PATTERSON: Aye.

19 Number 5, which is also on fiscal consent.

20 DEPUTY DIRECTOR WOHL: Agenda Item 5,  
21 consideration of California State University Chico as  
22 contractor for the Post Consumer Resin (PCR) Quality  
23 Assurance and Testing Protocol Project. This item  
24 received consensus from both the Sustainability & Market  
25 Development Committee as well as the Budget & Admin

1 Committee. The contractor amount is for \$65,000, to be  
2 issued to the California State university Chico.

3 Staff recommends that the Board approve Option 1  
4 and adopt Resolution 2003-344.

5 CHAIRPERSON MOULTON-PATTERSON: Thank you.

6 Did you want to move this, Mr. Washington?

7 BOARD MEMBER WASHINGTON: Yes ma'am.

8 Madam Chair, I'd to like to move adoption of  
9 resolution 2003-344, consideration of the California State  
10 University Chico as the contractor for the Post Consumer  
11 Resin Quality Assurance and Testing Protocol Project (IWMA  
12 Fund, Fiscal Year 2002-22003 Contract Concept number 15).

13 BOARD MEMBER JONES: Second.

14 CHAIRPERSON MOULTON-PATTERSON: Okay. We have a  
15 motion by Mr. Washington, seconded by Mr. Jones, to  
16 approve Resolution 2003-344.

17 Without objection, substitute the previous roll  
18 call.

19 Number 6, which will be heard by the full Board.

20 BOARD MEMBER PEACE: Madam Chair?

21 CHAIRPERSON MOULTON-PATTERSON: Oh, Ms. Peace.  
22 I'm sorry.

23 BOARD MEMBER PEACE: Yes. Excuse me.

24 In order to avoid any appearance of a conflict of  
25 interest, I am recusing myself on this item.



1 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.

2 Ms. Wohl.

3 DEPUTY DIRECTOR WOHL: Yes. Agenda Item 6,  
4 consideration of the scope of work and the Department of  
5 Finance as contractor for the compliance audits of the  
6 State Agency Buy Recycled Campaign, the Recycled-content  
7 Newsprint Program, the Plastic Trash Bag Program, and the  
8 Rigid Plastic Packaging Container Program.

9 Kathy Marsh will present.

10 MS. MARSH: Good morning, Madam Chair and Board  
11 members. I'm here to present Item 6, the consideration of  
12 the scope of work and the Department of Finance as  
13 contractor for compliance audits for the State Agency Buy  
14 Recycled Campaign, the Recycled-Content Newsprint, Plastic  
15 Trash Bag, and the Rigid Plastic Package Container  
16 programs.

17 These audits are a critical element for each of  
18 these programs, as they require a report and/or  
19 certification to be submitted to the Board annually, upon  
20 which compliance is determined. Some programs, reports,  
21 and/or certifications are under penalty of perjury.

22 Board staff is very limited in our ability to  
23 verify the information received from the reporting  
24 entities. Auditing the reports and the supporting  
25 documentation is the best tool available for staff to

1 verify and validate the information received.

2           Currently there is spending only for the State  
3 Agency Buy Recycled Campaign and the Rigid Plastic  
4 Packaging Programs. In addition, the State Agency Buy  
5 Recycled Campaign audits will focus on agencies with large  
6 fleets, as these audits are refunded by oil and tire  
7 funds.

8           This is a three-contract for \$179,000 and is  
9 funded by three different funding sources: \$79,000 is  
10 from the Integrated Waste Management account by Fiscal  
11 Year '02-'03, BCP #2, for the Rigid Plastic Packaging  
12 Program; \$50,000 from the Used Oil Recycling Fund; and  
13 \$50,000 per year from the five-year Tire Plan.

14           Staff recommends that the Board adopts Option 1  
15 and adopts Resolution 2003-307, approving the scope of  
16 work and 2003-308, which approves the Department of  
17 Finance as the contractor for the audits.

18           This concludes my presentation. If you have any  
19 questions, I'll be more than happy to answer any.

20           CHAIRPERSON MOULTON-PATTERSON: Any questions,  
21 Board?

22           BOARD MEMBER JONES: Madam Chair?

23           CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

24           BOARD MEMBER JONES: Just one.

25           I have no problem with this. I think it makes

1 sense. But I think we ought to use this as an  
2 opportunity -- I'd like to see an item discussed at a  
3 little more length with Board members on the idea of, as  
4 this information -- I know right now what the idea of this  
5 audit is, to make sure that these divisions are buying  
6 material through recycled content. If we were smart what  
7 we would start doing is put together some folks that would  
8 look at those purchases, the types of pricing that they  
9 got, and show where there was a savings to the State of  
10 California by those purchases of recycled content. And  
11 where there wasn't, there wasn't. But in most cases we're  
12 going to find that there was a huge savings to the state.

13 We're in the middle of one of the biggest budget  
14 crisis that we've ever faced. And if we want to put our  
15 money where our mouth is, we ought to look at what the  
16 savings is to these state agencies and quantify those  
17 savings through this audit. Now, I don't think DOF would  
18 be prepared to do that. But I'd like to see, Mr. Leary, a  
19 discussion among exec staff, if it's okay with the Board  
20 members, to at least explore the idea of trying to  
21 quantify those savings so that we can actually show that  
22 that -- where we've come in ten years actually now by  
23 buying recycled content is saving the State of California  
24 dollars every time we do a two-sided copy, every time we  
25 buy something with recycled content.

1           We need to quantify it to be able to validate our  
2 efforts. And we should take advantage of it today while  
3 we're in the middle of this budget crisis.

4           So I throw that out as an idea that needs to be  
5 developed. And, you know, let it fall where it will. I  
6 mean there's going to be some items that are more  
7 expensive. But the majority of the items are going to be  
8 less expense. And we ought to be thinking about using  
9 that as a tool to promote what has happened.

10          CHAIRPERSON MOULTON-PATTERSON: Good suggestion.

11          BOARD MEMBER PAPARIAN: Madam chair?

12          CHAIRPERSON MOULTON-PATTERSON: Mr. Paparian.

13          BOARD MEMBER PAPARIAN: Just to follow-up on  
14 that, we might want to hear from Mr. Leary. Because I  
15 think that the EPP team that Mark Leary has been  
16 representing the Board on with DGS and others is already  
17 looking at some of this, and perhaps there's something we  
18 could do to enhance that effort or to assure that that  
19 information gets publicized.

20          In addition, as this moves forward, I'd certainly  
21 like to be involved in it too. But I think that there is  
22 some work on this that's already being done that Mr.  
23 Leary's involved with.

24          EXECUTIVE DIRECTOR LEARY: Thank you, Board  
25 Member Paparian and Board Member Jones.

1           There is some of that work. Although I think, if  
2 I'm interpreting what Mr. Jones said, it's a fairly  
3 focused effort to show real dollar savings in a  
4 semi-quantitative manner. And I'm not sure that the  
5 Environmental Preferable Purchasing Task Force that I sit  
6 on has focused its efforts in that kind of a quantifiable  
7 manner. I think that would be something that we could  
8 work with that task force to put together some of that  
9 data.

10           My only caution -- I appreciate the sentiment and  
11 appreciate the interest and appreciate the importance of  
12 that kind of analysis. A fully quantitative analysis I  
13 think would be fairly substantive and maybe beyond the  
14 resources of the Board at this point in time. But I think  
15 there are a lot of maybe anecdotal situations or  
16 opportunities that we could describe for the Board and  
17 hopefully describe to the state at large where we realize  
18 those savings by the purchase of recycled content  
19 materials -- or product materials.

20           But I appreciate the sentiment and we'll do the  
21 best we can. And maybe I'll report back to the  
22 Sustainability and Market Development Committee next month  
23 about how we've explored this analysis and what we think  
24 we can bring together in a timely fashion.

25           BOARD MEMBER PAPARIAN: Just to follow up, Madam

1 Chair.

2 I mean one approach might be to look at a case  
3 study approach rather than a more traditional economics  
4 approach. But take some case studies where people have  
5 shown some significant changes as a result of their  
6 practices. The thing I brought up this morning, you know,  
7 these binders were -- I think it was \$17.50 each. And now  
8 we're down to like a dollar or something. You know,  
9 things like that that might be useful as we promote these  
10 programs.

11 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.  
12 Paparian.

13 Do I hear a motion?

14 BOARD MEMBER JONES: Madam Chair?

15 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

16 BOARD MEMBER JONES: Just one quick comment prior  
17 to doing that.

18 I think that staff has had a hard time in the six  
19 years that I've been here with agencies that either refuse  
20 to fill out the forms or don't even come close to what the

2 \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ here are some areas  
that I'd love to talk to Mr.

2 Leary about. There is some quantitative -- there is a way  
3 to do this, that it doesn't have to be a full blown audit,  
4 but more than just a sketch or a scratch of the surface  
5 because it's important for us to start showing these  
6 agencies what they can save.

7 I'll move adoption of Resolution 2003-307,

Please note, these transcripts are not individually reviewed and approved for accuracy.

8 consideration of the scope of work for compliance audits  
9 of State Agency Buy Recycled Campaign, the  
10 recycled-content Newsprint Program, Plastic Trash Bag  
11 Program, and the RPPC Program. (Fiscal Year 2-3, Contract  
12 Concept Number 42, BCP 2, five-year tire plan).

13 CHAIRPERSON MOULTON-PATTERSON: I'll second that,  
14 Resolution 2003-307.

15 Without objection -- oh, no, we'd better call the  
16 role because Ms. Peace isn't here.

17 SECRETARY WADDELL: Jones?

18 BOARD MEMBER JONES: Aye.

19 SECRETARY WADDELL: Medina?

20 VICE CHAIRPERSON MEDINA: Aye.

21 SECRETARY WADDELL: Paparian?

22 BOARD MEMBER PAPARIAN: Aye.

23 SECRETARY WADDELL: Washington?

24 BOARD MEMBER WASHINGTON: Aye.

25 SECRETARY WADDELL: Moulton-Patterson?

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1 CHAIRPERSON MOULTON-PATTERSON: Aye.

2 Mr. Jones.

3 BOARD MEMBER JONES: I'll move adoption of  
4 resolution 2003-308, for the consideration of the  
5 Department of finance as the contractor for the compliance  
6 orders.

7 CHAIRPERSON MOULTON-PATTERSON: Second.

8 And without objection we'll substitute the  
9 previous roll call.

10 Brings to us to Number 7, which is on fiscal  
11 consent by the Committee.

12 DEPUTY DIRECTOR WOHL: Agenda Item 7,  
13 consideration of contractor --

14 CHAIRPERSON MOULTON-PATTERSON: Did I say 6? Did  
15 I say 7?

16 DEPUTY DIRECTOR WOHL: Yes.

17 CHAIRPERSON MOULTON-PATTERSON: Thank you.

18 DEPUTY DIRECTOR WOHL: Consideration of  
19 contractor for the State Green Lodging Contract.

20 This item received consensus from both the  
21 Sustainability and Market Development Committee as well as  
22 the Budget & Admin Committee. The contract is in the  
23 amount of \$30,000 to California State University  
24 Sacramento College of Continuing Education.

25 Staff recommends the Board approve Option 1 and



1 adopt Resolution 2003-345 revised.

2 BOARD MEMBER JONES: Madam Chair?

3 CHAIRPERSON MOULTON-PATTERSON: Thank you.

4 Mr. Jones.

5 BOARD MEMBER JONES: Just one quick question.

6 When the item first was being developed -- and I  
7 didn't see it in here -- are we going to make sure that  
8 when the contractor is checking these, that they don't  
9 just say that they're green, but they actually have a  
10 program in place to train their housekeeping staff?

11 DEPUTY DIRECTOR WOHL: Sure.

12 BOARD MEMBER JONES: That was one of the things  
13 that came up. And it's critical, because it's really easy  
14 to say you're something. But if you don't train your  
15 staff that's actually doing the work, then every time you  
16 put towels where they tell you to put them, if you're  
17 going to leave them for a few days and they pull them out,  
18 it doesn't do any good the see a green emblem, if that's  
19 the way that they operate. So I think that -- there's got  
20 to be a verification that there's an ongoing training  
21 program at these hotels. Otherwise they shouldn't  
22 qualify.

23 DEPUTY DIRECTOR WOHL: Well, part of it is to  
24 develop the criteria, and we'll definitely add that as a  
25 piece.

1 BOARD MEMBER JONES: Okay.

2 Madam Chair.

3 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

4 Did you wish to move it?

5 BOARD MEMBER JONES: Yeah. I didn't know what  
6 the question was.

7 I'll move adoption of resolution 2003-345  
8 revised, consideration of the contractor for the State  
9 Green Lodging Contract (2002-3 Concept No. 22) as Sac  
10 State, for an amount up to \$30,000.

11 BOARD MEMBER WASHINGTON: Second.

12 CHAIRPERSON MOULTON-PATTERSON: Okay. We have a  
13 motion by Mr. Jones, seconded by Mr. Washington, to  
14 approve Resolution 2003-345 revised.

15 Please call the roll.

16 SECRETARY WADDELL: Jones?

17 BOARD MEMBER JONES: Aye.

18 SECRETARY WADDELL: Medina?

19 VICE CHAIRPERSON MEDINA: Aye.

20 SECRETARY WADDELL: Paparian?

21 BOARD MEMBER PAPARIAN: Aye.

22 SECRETARY WADDELL: Peace?

23 BOARD MEMBER PEACE: Aye.

24 SECRETARY WADDELL: Washington?

25 BOARD MEMBER WASHINGTON: Aye.

1 SECRETARY WADDELL: Moulton-Patterson?

2 CHAIRPERSON MOULTON-PATTERSON: Aye.

3 Okay. That brings us to Number 8, which is a  
4 full Board item.

5 DEPUTY DIRECTOR WOHL: All right. Agenda Item 8,  
6 consideration of the final report for the Building  
7 Materials Emissions Study. This is a PowerPoint  
8 presentation that Dana Papke will present.

9 CHAIRPERSON MOULTON-PATTERSON: Thank you.  
10 Welcome.

11 MS. PAPKE: Good morning, Board members,  
12 Chair Moulton-Patterson:

13 BOARD MEMBER WASHINGTON: Dana promised, Madam  
14 Chair, that this will be a two-minute PowerPoint  
15 presentation.

16 MS. PAPKE: It'll be just a little longer than  
17 that.

18 (Thereupon an overhead presentation was  
19 Presented as follows.)

20 MS. PAPKE: So I'll be presenting the Building  
21 Material Emissions Study report for your consideration.

22 --o0o--

23 MS. PAPKE: Before I begin I'd like to  
24 acknowledge that we did have a distinguished group of  
25 advisors that participated in this study. All the

1 participants are not listed here. But I would like to  
2 acknowledge the principal investigator mainly, who's not  
3 here today. However, there are representatives from the  
4 Department of Health Services, Jed Waldman and Rob Miller,  
5 who are available to answer any technical questions or  
6 answer any other questions if needed. So I did want to  
7 acknowledge that.

8 --o0o--

9 MS. PAPKE: Based on the fact that indoor air  
10 quality is often more polluted than outdoor air often by  
11 as much as 100 times more polluted and the fact that we  
12 spend about 90 percent of our time indoors, indoor air  
13 quality or pollution has become one of the top five  
14 environmental risks to public health.

15 --o0o--

16 MS. PAPKE: While the Integrated Waste Management  
17 Board has been promoting recycled content products for use  
18 in sustainable building, little was known regarding their  
19 chemical emissions and the effect on indoor air quality.  
20 This unknown actually led to recycled content products  
21 being subject to greater scrutiny than standard products.  
22 Therefore, the main objective of this study was to examine  
23 the relationship between recycled-content products their  
24 effect on indoor air quality.

25 Additionally, there are existing studies that are

1 limited to measuring the chemical emissions of standard  
2 products. However, most of those studies don't examine  
3 the relationship between standard and alternative  
4 products. So this study also had that as an objective.

5 And for the purpose of this study, alternative  
6 products did not only include recycled content but also  
7 included rapidly renewable and products that contained low  
8 or no volatile organic compounds, VOCs.

9 Lastly, it was our intention to evaluate whether  
10 standard and alternative products could meet a low  
11 emitting criteria known as Section 1350 for use in  
12 classrooms and state construction.

13 --o0o--

14 MS. PAPKE: So why classrooms in state  
15 construction?

16 There's going to be about 400 new schools,  
17 totaling \$50 billion of over the next four years.  
18 Additionally, the state invests about \$2 billion annually  
19 to operate and nearly 200 million square feet and lease 21  
20 million square feet of building space.

21 --o0o--

22 MS. PAPKE: The first two phases of the study  
23 were selected based on this planned construction.

24 Phase 3 was added based on the fact that there  
25 are 33 million waste tires generated each year, and the

1 Board is promoting these tire-derived recycled content  
2 products. However, in the world of sustainable building,  
3 most architects and designers are not interested in  
4 specifying these materials right now based on the odor and  
5 unknown risks associated with the health of these  
6 products. Therefore, additional funds were approved to  
7 test tire-derived products in this study, and we tested a  
8 total of 77 products.

9 --o0o--

10 MS. PAPKE: Here are the 11 material categories.  
11 Specific products within these material categories were  
12 selected based on their typical use in schools and state  
13 construction, as well as alternative products that are  
14 promoted through the Collaborative for High Performance  
15 Schools, as well as our recycled-content products  
16 database.

17 --o0o--

18 MS. PAPKE: The methodology for the study, as I  
19 indicated before, is Section 1350. It's a specification  
20 to screen building materials. It was originally developed  
21 by the California Department of Health Services, the  
22 California Air Resources Board, the Office of  
23 Environmental Health Hazard Assessment, as well as other  
24 indoor air quality experts with significant support from  
25 the Board. It was originally developed for the Modular

1 Office Furniture Contract, which is a three-year, \$60  
2 million statewide contract. It was then modified for the  
3 East End project, which is a \$392 million state  
4 construction project.

5 Section 1350 has also been incorporated into the  
6 Department of General Services standard agreement for  
7 engineering and architectural services and it's been  
8 included in the CHPS Best Practices Manual. And it's also  
9 been used by the scientific certification systems for  
10 their environmentally preferable product criteria.

11 So while section 1350 is the methodology, the  
12 report identifies additional indoor air quality  
13 performance indicators, which are not part of the section  
14 1350 criteria. However, these considerations provide  
15 additional information for architects and designers and  
16 other indoor air quality practitioners when selecting  
17 building materials.

18 --o0o--

19 MS. PAPKE: The sampling was conduct at the  
20 Department of Health Services' Environmental Health  
21 Laboratory in Berkeley. Products were tested in assembly  
22 according to the manufacturer's recommended protocols.  
23 For example, if a manufacturer recommended a particular  
24 adhesive, that's the type of adhesive our contractor made  
25 every attempt to use.

1           The products were tested in 10 days. They have a  
2 conditioning period of 10 days. And the compliance was  
3 based on 96 hours, which is considered representative of a  
4 real-world installation.

5                               --o0o--

6           MS. PAPKE: In order to determine whether or not  
7 a product meets or exceeds the 1350 criteria, the modeled  
8 air concentration was calculated for each specific design,  
9 mainly the classroom and the state office. And the  
10 formula takes into consideration an emission factor as  
11 well as the surface area the product covers, the room  
12 volume, and ventilation rates.

13                              --o0o--

14           MS. PAPKE: Before I get into the specific test  
15 results I did want to at least acknowledge some of the  
16 limitations to this study.

17           First of all, since this was laboratory testing  
18 within a small chamber, the emissions are basically  
19 modeled concentrations and real-world performance may be  
20 different.

21           Another limitation to the study deals with the  
22 sample size. While the 77 products that we tested include  
23 a comprehensive representation of the products that are  
24 commonly used and available in the marketplace, budgetary  
25 restrictions limited our ability to test more than the 77



1 products. And ideally we would have liked to have tested  
2 many samples within each product category, or within each  
3 product line actually.

4 Another limitation has to do with the varying age  
5 of the samples. Also there is one limitation that deals  
6 with the potentially changing manufacturing process. And  
7 the products that we tested may or may not be available in  
8 the future.

9 One of the last limitations of the study deals  
10 with the fact that we really only looked at two  
11 environmental attributes. We looked at recycled content  
12 or alternative products and their effect on indoor air  
13 quality. We didn't look at any other environmental  
14 considerations, such as pollution in the manufacturing  
15 process or other environmental externalities such as  
16 embodied energy.

17 --o0o--

18 MS. PAPKE: Here are the results. As you can  
19 see, most of the products met section 1350 for the  
20 classroom application. And there are different results  
21 for the state office. You can see that more products  
22 exceeded 1350 for the state office. And this is basically  
23 due to the fact that these enclosed spaces -- in enclosed  
24 spaces chemical emissions tend to be more concentrated.  
25 Therefore, selecting the smaller space that's

1 representative of an enclosed state office provides a more  
2 conservative approach for determining the indoor air  
3 quality performance of products.

4 --o0o--

5 MS. PAPKE: There are several conclusions in the  
6 study. These are just some of the key conclusions.

7 First of all, most of the products passed Section  
8 1350. Recycled products performed about the same as  
9 standard products. And in some cases they were actually  
10 lower emitting.

11 There are two material categories that I'd like  
12 to highlight.

13 First of all, while most of the tire-derived  
14 products met 1350 criteria, they did emit total volatile  
15 organic compounds, TVOCs that exceeded the criterion that  
16 was established in the study. Therefore, the report does  
17 conclude that tire-derived products may need further  
18 refinement and testing before they can be promoted for  
19 wide use indoors. However, as I indicated before, most of  
20 these products are not currently specified due to the fear  
21 of the risks, and the study shows that they are  
22 appropriate for larger spaces where proper ventilation is  
23 ensured.

24 Some of the results in this study are also  
25 inconsistent with those reported by some product

1 certification programs, such as the Carpet and Rug  
2 Institute's Green Label Program. Based on the results of  
3 this study, manufacturers are encouraged to conduct their  
4 own product testing according to Section 1350 in  
5 independent laboratories.

6 --o0o--

7 MS. PAPKE: As you're probably aware, we held a  
8 meeting with the manufacturers on June 5th, the day the  
9 report was available on line. Several comments have been  
10 received since that point. One of the comments we  
11 received is that they didn't have enough time to comment  
12 on the report. But as you well know, although it is a  
13 nearly 300-page document, it's really only about 40 pages  
14 of report.

15 Secondly, manufacturers were concerned that this  
16 study did not follow specific handling procedures for  
17 handling each specific material.

18 Thirdly, there was a concern about the varying  
19 age of the samples. And manufacturers also wanted to  
20 ensure that we weren't certifying their products based on  
21 these test results. And, in fact, we won't be certifying  
22 their products based on these test results. It's just an  
23 indicator of how these products may perform, and that we  
24 are still encouraging manufacturers to conduct their own  
25 testing.

1           And each of these comments were addressed in a  
2 memo that Patty Wohl provided to Board members yesterday.

3                               --o0o--

4           MS. PAPKE: Some of the future steps. Just  
5 because a product meets section 1350 for one application,  
6 as you saw in those charts, the classroom versus the State  
7 office, doesn't mean it will meet the criteria for every  
8 other application. And that's why we are still really  
9 encouraging, and the report stresses, the need for  
10 manufacturers to test their own products and prove that  
11 it's low emitting enough for a specific application.

12           For those manufacturers with products that  
13 exceeded the 1350 guidelines, staff is willing to work  
14 with them to identify ways their products could be  
15 reformulated so that they are lower emitting.

16           For those manufacturers with products that met  
17 1350, we are encouraging them to get their products  
18 certified by those independent labs and contact the  
19 division of the state architect for consideration to be  
20 included in the environmentally preferable products  
21 database.

22                               --o0o--

23           MS. PAPKE: Here are the five board options you  
24 reviewed in the agenda item.

25           Staff recommends adoption of Option Number 2,

1 where you would basically be approving the report. There  
2 are some specific changes in the errata sheets. There  
3 were some calculation errors that modified the passing of  
4 three products, I believe. So those products were changed  
5 based on those recalculations.

6 And there also may be some formatting by public  
7 affairs and the Department of Health Services.

8 Staff strongly recommends this option currently.  
9 There's no scientific evidence that disproves the myths  
10 that recycled content products may contribute to poor  
11 indoor air quality. This report provides the Board with  
12 the support to dispell those myths and prove that there  
13 are low emitting recycled content products that can  
14 contribute to healthy indoor environments.

15 Thank you.

16 CHAIRPERSON MOULTON-PATTERSON: Thank you for the  
17 excellent report. I Appreciate it.

18 Any questions?

19 Mr. Washington.

20 BOARD MEMBER WASHINGTON: Madam Chair, I'd like  
21 to move adoption Resolution 2003-346 revised,  
22 consideration of the final report for the Building  
23 Material Emissions Study (IWM Account, Fiscal Year  
24 2000-2001, Contract Concept 54, and Recycling Marketing  
25 Development Revolving Loan Account, fiscal Year 1999-2000,

1 BCP Financial Letter NUMBER 3, and Waste Management Tire  
2 Program Funds, Fiscal Year 2001-2002, Contract Concept  
3 Number 95.)

4 BOARD MEMBER PEACE: I'll second that.

5 CHAIRPERSON MOULTON-PATTERSON: Okay. We have a  
6 motion by Mr. Washington, seconded by Ms. Peace, to  
7 approve resolution 2003-346 revised.

8 Please substitute the previous roll call withou  
9 objection.

10 Number 9, full Board item.

11 DEPUTY DIRECTOR WOHL: Agenda Item 9,  
12 consideration of the Plastics White Paper report and  
13 request for direction regarding the implementation of  
14 recommendations.

15 And Calvin Young will present.

16 MR. YOUNG: Good morning, Madam Chair, Board  
17 members.

18 The item before you is kind of a two-parter. It  
19 seeks acceptance of the Plastics White Paper, as well as  
20 approval of staff's recommendation regarding  
21 implementation of policy options.

22 At first I thought I could just read the report.  
23 But, you know, I'll save that for maybe a little bit  
24 later.

25 This much anticipated report represents the

1 culmination of an extensive two-year process to research  
2 various issues and gather information and to engage all  
3 stakeholders in a myriad of issues related to plastics.

4           When we started the process I don't know that  
5 anybody really truly understood or appreciated how big the  
6 issue was. A lot of folks thought that it was the Trash  
7 Bag Program or the RPPC Program or the Beverage Container  
8 Program over a Department of Conservation. But as we got  
9 into this more and more, it was far larger than I think  
10 anybody really originally envisioned.

11           NewPoint Group, the contractor that was selected  
12 by the Board though took this on as a professional  
13 challenge and kind of went beyond looking at a couple of  
14 the -- looking at the existing programs, to really take in  
15 the larger macro issues related to plastics; and, as you  
16 can tell, developed a rather extensive document related to  
17 it.

18           This has truly been a collaborative effort. I  
19 know the Board has a history of and a tradition of being  
20 very involved with their stakeholders. And this is truly  
21 one of those areas where there was a lot of stakeholder  
22 involvement. It started in the latter half of 2001. We  
23 had several issue framing sessions with key stakeholders  
24 from a variety of segments the environmental community,  
25 plastics industry, zone administrators, just about anybody

1 can you think of.

2 We had a two-day workshop in June to discuss what  
3 had been developed at that time -- June of 2001 -- 2002 --  
4 pardon me -- and also float some strawman proposals as far  
5 as some policy options.

6 We met last September to discuss the initial  
7 draft report. We had a meeting in January of this year,  
8 the plastics roundtable for stakeholders to comment on the  
9 report, and offer any other additional thoughts.

10 In April of this year, Board staff got together  
11 and critically reviewed the White Paper and prioritized  
12 various options that are reflected in the agenda item.

13 And of course our monthly Plastics' Interested  
14 Parties meeting serves as a vehicle where we've been  
15 discussing on an ongoing basis various issues related to  
16 plastics.

17 Why did we even need it in the first place?  
18 Well, plastics right now is the fastest growing segment of  
19 the waste stream. And because of its characteristics,  
20 often replaces other materials.

21 But there's also some issues with it in that  
22 currently plastics are only about 5 percent nationally  
23 recycled. That's well below many other materials. And  
24 currently there's no real comprehensive policy for  
25 plastics in California, or the nation for that matter.



1 And the three programs that I mentioned, the Trash Bag  
2 Program, RRPC, and the Beverage Container Program at the  
3 Department of Conservation really only address a small  
4 percent of the waste stream and I small portion of  
5 plastics actually.

6           So, the Board in partnership with the Department  
7 of Conservation, just for a little historical context,  
8 recognized many of these concerns. Staff developed a  
9 scope of work; the Board approved it. And we ended up  
10 contracting with NewPoint Group as an independent  
11 consulting organization, with significant experience in  
12 plastics and recycling issues.

13           As a reminder, the original scope had in it the  
14 goals of analyzing the manufacturing and plastics use  
15 cycle and to create and develop innovative solutions to  
16 conserve resources, increase the plastics recycling rate,  
17 and increase the use of recycled plastics.

18           While we were going through the process, SB 1127,  
19 by Senator Karnette, was also signed into law. And that  
20 required the Board to, among other things, conduct a study  
21 on polystyrene use and disposal in California. That, as a  
22 separate activity, is currently going through the edit  
23 process by staff now, and it will be coming to the Board  
24 at a future date.

25           As you can tell, the entire document is somewhat

1 lengthy, so we didn't make a lot of copies of everything.  
2 When, assuming the Board accepts the report -- the report  
3 has been made available in its various versions, the draft  
4 version as well as this draft final version, to all  
5 stakeholders, in hard copy as well as on our plastics  
6 website.

7 I don't want to go necessarily over all of the  
8 recommendations that staff put forward in the agenda item,  
9 but I do want to kind of highlight a few of them, if I  
10 may. Of course if you want I can go over each of them in  
11 detail, but we'll save on that.

12 First off, the process. What we found through  
13 this whole white paper process is the collaborative effort  
14 has been effective. We have gotten people thinking about  
15 plastics a lot more than they used to. A lot of the  
16 issues have come up that, while we were aware of many of  
17 them, certain issues did come up and have come up as being  
18 rather prominent issues that we will suggest as being  
19 addressed or dealt with early on in the process.

20 But as far as the process itself, we would  
21 propose to continue the Board-led collaborative effort and  
22 to organize our efforts into four plastic categories with  
23 appropriate work groups. Those categories are:  
24 Collection and market development; public information,  
25 public relations, and education; research and development

1 of technologies; and product stewardship and financial  
2 responsibility.

3 As a process we would continue to utilize the  
4 Plastics' -- the monthly Plastics' Interested Parties  
5 meeting, and to focus on specific topics during that.  
6 Additionally, there will be the work group in those --  
7 various work groups within those four broad categories.

8 And as we have one, and it seems to work fairly  
9 well, is the quarterly plastics roundtable for having a  
10 facilitated focused discussion on specific topics. And of  
11 course we will post appropriate information on the Board's  
12 website.

13 Of the broad categories that we were looking at,  
14 under collection and market development, a couple of areas  
15 kind of stood out. With the Trash Bag Law, in May of 2002  
16 the Board deferred consideration of the -- deferred  
17 decision -- pardon me -- regarding possible amendments to  
18 the plastics trash bag survey report until conclusion of  
19 the plastics white paper. Plastics white paper is now  
20 pretty we'll concluded. Staff recommends that the report  
21 be amended to include several improvements that had been  
22 made during the interim to the program.

23 These improvements include developing a closer  
24 working relationship with the Department of General  
25 Services and other state agencies regarding referrals to

1 the program.

2           There have been significant improvements to the  
3 certification list of manufacturers and wholesalers. And  
4 requiring of additional documentation for the  
5 manufacturers that claim exemption due to an inability to  
6 obtain recycled plastics post-consumer material.

7           And let me kind of clarify the point on that,  
8 because there was some question or issue with the  
9 interested parties meeting.

10           The documentation that we're proposing is nothing  
11 new. The requirements for that documentation currently  
12 exist in regulation. It's just that we would be paying  
13 closer attention to those requirements in regulations for  
14 those manufacturers that claim self-exemption basically.

15           We're not proposing any additional changes to the  
16 existing program at this time.

17           However, one thing that did come through loud and  
18 clear in discussions with stakeholders as well as  
19 discussions with staff is that it may be an opportune time  
20 to review the objectives of what was trying to be  
21 accomplished with the plastics trash bag program and try  
22 and develop a better, different alternative that would  
23 more effectively accomplish the market development  
24 objectives.

25           There's no set agenda on this, but there has been

1 a fair amount of interest on the part of external  
2 stakeholders. And staff believes that there may be an  
3 opportunity for some collaborative effort to come up with  
4 a better alternative.

5 Any alternative that would come up would go  
6 through the Board approval process for an  
7 administration-sponsored legislation.

8 That's kind of one of on of the -- in the white  
9 paper report there were kind a couple of things that stood  
10 out. One was that the Trash Bag Program probably could  
11 have a different -- a different vehicle could accomplish  
12 more of the market development objectives than the current  
13 Trash Bag Program, and that a broader, more comprehensive  
14 policy could perhaps be developed in collaboration with  
15 stakeholders, internal and external, that may serve as a  
16 broader, more comprehensive and cohesive solution to  
17 plastics rather than either the RPPC Program or the Trash  
18 Bag Program are currently.

19 Again, with the RPPC Program, there was also a  
20 desire to open a dialogue with stakeholders on developing  
21 something that would be easier to administer and perhaps  
22 have broader implications and broader effect than the  
23 current RPPC law.

24 That's the other part of the thing that we're  
25 looking for, is basically blessing to continue -- or to

1 initiate that process. And, again, anything that comes up  
2 would go through the process for an  
3 administration-sponsored legislation.

4 A couple other areas that came up showing great  
5 potential is agricultural film. We've had a couple of  
6 focus sessions on agricultural film in California,  
7 identifying the various types of film, identifying the  
8 issues related to it, and the barriers that currently keep  
9 it from being recycled. And we believe that there exists  
10 some potential in the near term to come up with some ways  
11 that could perhaps lead towards improved and increased  
12 collection and processing of agricultural film.

13 The same would hold true with commercial film  
14 from small and medium commercial generators.

15 Another area that seems to generate a great deal  
16 of discussion and interest and has already been the  
17 subject of legislation that was introduced is the whole  
18 idea of biodegradables, bio-based, and compostable  
19 plastics. I believe it was SB 517, Senator Karnette had  
20 introduced that as one of the ways of dealing with  
21 compliance with the RPPC law.

22 There is an interest in this. There is a great  
23 deal of claims made on all sides related to the issue.  
24 But there needs to be more science-based facts regarding  
25 the appropriate application and disposal of these

1 plastics.

2           There appears to be a lot of potential there.

3 But, again, we need to also address -- some are looking at  
4 it as an alternative or a way to deal with perhaps litter  
5 concerns.

6           There are existing ASTM standards defining  
7 biodegradable, but not a lot of work really yet on getting  
8 the real-world application of what this would be out in  
9 the real world, its applicability in certain areas, and  
10 how that may affect recycling. That effort of course will  
11 be in cooperation with our Board's Organic and Resource  
12 Efficiency Branch, which is currently involved in  
13 reviewing the biodegradable and compostable products as  
14 well as other state and private sector entities.

15           Large venues. There also appears and I think the  
16 Board has heard an update last month, if I remember  
17 correctly, from our DPLA division regarding their  
18 activities on large venue recycling. And I think there's  
19 an item for some monies for state entities, for the fairs  
20 a little bit later on on large venue recycling.

21           In our discussion with stakeholders, this is also  
22 an area that has some near term potential. In working  
23 with of course the Office of Local Assistance, with the  
24 Diversion of Local -- with DPLA, and with the Organics  
25 Section. We've also had discussions with the Department

1 of Conservation and NAPCOR, which is the PET bottle  
2 recycling folks. And recently the U.S. EPA has kind of  
3 joined in the fray, as it were, and is wanting to get  
4 involved in large venue recycling. So there appears to be  
5 a gathering of interest in this particular area. And we  
6 propose that as one of the areas to initially focus on as  
7 well.

8           Probably one of the more controversial topics in  
9 the white paper is litter. It depends on who you listen  
10 to, you get different opinions. The plastics industry  
11 believe, by and large, that it's a behavioral issue. And  
12 local government believes that, you know, more attention  
13 and responsibility should be paid by the plastics industry  
14 on the issue. But whatever side you come out on, I think  
15 everybody kind of agrees that right now litter is much  
16 more -- becoming known as much more than just visual  
17 blight. Based on some studies that we've done -- or found  
18 through our research on the white paper, many believe that  
19 it actually represents a threat to the environment in one  
20 form or another and needs to be addressed in near term.

21           Currently, we kind of look at it in a two-prong  
22 approach: One having to do with your traditional litter  
23 that most people associate with, discards along the  
24 roadway, things of that nature; and the other aspect being  
25 pre-production plastic pellets.



1           Beth Jines, Assistant Secretary for Agency, at  
2 the request of Secretary Hickox, has taken lead on going  
3 forward with trying to address the issue of marine -- of  
4 plastic debris in the marine environment. There was a  
5 briefing back in February, earlier of this year, that was  
6 attended by many folks at EPA. And efforts in that regard  
7 are going forward. Waste Board staff is part of a working  
8 group of various staff at what is now getting to be a  
9 little bit larger, from EPA, looking to involve perhaps  
10 resources and others, to deal with some of these issues.

11           There has been meetings with American Plastics  
12 Council, Society of plastics industry, and others. And  
13 they appear to be receptive to doing something and taking  
14 a responsible approach on a pre-production pellet issue.

15           And I'll start kind of being a little bit more  
16 brief on my comments here.

17           Product stewardship and the financial  
18 responsibility. This is kind of the big bugaboo that is  
19 kind of a linchpin to anything of a long-term basis. This  
20 is something that's going to be taking a fair amount of  
21 time and effort as far as crafting a long-term approach.  
22 Anything that would be like that of a long-term nature  
23 will have to have some sort of financial responsibility in  
24 there. And where that lies will be the subject of much  
25 discussion, I'm sure.

1           As you can tell, it's a fairly aggressive agenda.  
2 And obviously not everything can be pursued at the current  
3 time with existing resources. Currently there three  
4 people in the division that are totally focused on market  
5 development for plastics. That's me, myself, and I.

6           However, these recommendations will be folded  
7 into staff's prioritization for the Board's strategic  
8 plan. And specific work plans will be developed and taken  
9 into consideration -- and we'll consider appropriate  
10 resources.

11           I just wanted to also let you know that, you  
12 know, things are continuing as I kind of updated here a  
13 moment ago on working with other entities and trying to  
14 leverage other resources.

15           There's also been some questions regarding the  
16 Plastics Stewardship Council. Jim Gibson from NewPoint  
17 Group is here and will offer some comments as far as the  
18 white paper process as well as some comments regarding the  
19 Plastics Stewardship Council. So he can address that.

20           There also may be a couple of minor typos in the  
21 report that will get picked up during the final edit  
22 review process through Public Affairs as well as staff.  
23 But, otherwise, staff would recommend that the Board  
24 approve Option 1, which is to accept the Plastics White  
25 Paper and fulfillment of a contract and approve staff's

1 recommendation regarding implementation of policy options  
2 by adopting Resolution 2003-347.

3 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.  
4 Young.

5 Do any Board members have questions before I go  
6 to the public speakers?

7 Mr. Paparian.

8 BOARD MEMBER PAPARIAN: Yeah. I have some  
9 substantive questions I'll hold for a little bit. But  
10 I'm -- I've read little about this Plastics Stewardship  
11 Council, and I'm a little bit confused between -- the line  
12 between what we're doing here with this report and where  
13 this Plastics Stewardship Council, which really sounds  
14 like a plastics industry trade association to me, where  
15 they come in. It seems like the recommendations in the  
16 report call for creation of something like a Plastics  
17 Stewardship Council instead of your traditional type of a  
18 product stewardship approach, with kind of balanced  
19 representation from the parties involved.

20 It's troubling to me that instead of going with  
21 that traditional product stewardship type approach,  
22 there's a section in here that calls for creation of  
23 something like a Plastic Stewardship Council, and then the  
24 contractor has gone out and is creating that and  
25 soliciting funds from the industry to do that.

1           So I'm having trouble figuring out where the line  
2 is between this report and what is becoming an industry  
3 trade association.

4           MR. YOUNG: Thank you, Board Member Paparian.  
5 Let me respond briefly, if I may. And then I'll allow Jim  
6 Gibson to perhaps elaborate further.

7           CHAIRPERSON MOULTON-PATTERSON: Mr. Jones has a  
8 question after this.

9           MR. YOUNG: Okay. Very good.

10          The Plastics White Paper set forth 62 policy  
11 options. Those options had been reviewed. Staff, by and  
12 large, concurs with many of the options presented, but  
13 has some different opinions on others.

14          One of the ones that staff perhaps has a  
15 different opinion on has to do with exactly the Plastics  
16 Stewardship Council.

17          At this point I think Mr. Gibson would probably  
18 be in a better position to respond as to the future of the  
19 Council, if I could defer additional on that or --

20          BOARD MEMBER PAPARIAN: I mean that would be  
21 interesting. But I mean it's almost -- maybe it's a legal  
22 question for a legal staff. I don't know. It just -- I'm  
23 having -- it seems like this document is part of a pathway  
24 leading to creation of an industry association. And some  
25 of the content of the paper is more consistent with

1 creation of that industry association than the type of  
2 traditional product stewardship approach that we've  
3 advocated in our strategic plan and elsewhere. So it's  
4 bothering me that this is a document that's leading us  
5 down one pathway which is different than our traditional  
6 pathway for dealing with product stewardship.

7 DEPUTY DIRECTOR WOHL: Can I comment?

8 CHAIRPERSON MOULTON-PATTERSON: Yes, Ms. Wohl.

9 DEPUTY DIRECTOR WOHL: We've had conversations  
10 with NewPoint about our concerns. And I think they've  
11 maybe interpreted it different, their actions. But I  
12 think they're prepared now to sort of back away from their  
13 proposal. So I think that's what Jim is here to talk  
14 about. So it may be a moot issue at this point.

15 MR. YOUNG: Right. We've been assured by the  
16 contractor there was not any pre-design in shaping the  
17 report to lead towards anything of that nature. And that  
18 they at this point are basically suspending activity on  
19 the Plastics Stewardship Council.

20 But Mr. Gibson will speak to that a little bit  
21 here in a moment.

22 CHAIRPERSON MOULTON-PATTERSON: Okay. I think  
23 Mr. Paparian brings up a good point. At least I would  
24 have concerns also.

25 Mr. Jones. And then we have quite a few

1 speakers. But we might be taking a short break before we  
2 go the speakers.

3 Mr. Jones, and then we will take a break.

4 Okay. We'll have -- I hate to interrupt in the  
5 middle of an item, but we do need 10-minute break right  
6 now, and then we'll come back for the speaker.

7 Thank you, Mr. Young.

8 (Thereupon a recess was taken.)

9 CHAIRPERSON MOULTON-PATTERSON: I'd like to call  
10 our meeting back to order please.

11 Mr. Jones, do you have any ex partes?

12 BOARD MEMBER JONES: Thanks, Madam Chair. Mr.  
13 Cupps, Mr. Larson, and said hello to --

14 CHAIRPERSON MOULTON-PATTERSON: Thank you.

15 Mrs. Peace.

16 BOARD MEMBER PEACE: No, I have none to report.

17 CHAIRPERSON MOULTON-PATTERSON: I have none.

18 Mr. Medina?

19 VICE CHAIRPERSON MEDINA: None to report.

20 CHAIRPERSON MOULTON-PATTERSON: Mr. Paparian?

21 BOARD MEMBER PAPARIAN: None.

22 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.

23 We left off -- I believe we had finished Board  
24 members' questions for now. And we were going to go to  
25 the -- did you still have one, Mr. Jones?

1 BOARD MEMBER JONES: Yeah, I do now.

2 CHAIRPERSON MOULTON-PATTERSON: I'm sorry. I  
3 thought that you didn't want to ask that question.

4 Go ahead.

5 Not that question, but ask a question.

6 BOARD MEMBER JONES: Just a couple of things.

7 First, I appreciate the effort, Calvin, I  
8 appreciate the presentation. There's a huge issue. And  
9 anybody that's been following material packaging knows  
10 that plastic has displaced glass, plastic has displaced  
11 aluminum, plastic has displaced steel, probably for a lot  
12 of good reasons. But, unfortunately, those people always  
13 came to the plate and were part of a system that we were  
14 able to get recovery on.

15 Plastic doesn't fall in that category as far as  
16 I'm concerned, never has and never will. I really have a  
17 problem with the idea that we may be looking to change the  
18 trash bag content, as well as the RPPC, from the  
19 standpoint that they're very intensive as far as funding  
20 work -- I mean workload for staff to verify. But what's  
21 important about them, especially RPPC, is it's resulted in  
22 source reduction and it's resulted in recycled content.  
23 Neither of which would have happened had we not had RPPC.  
24 I don't care what anybody in any industry says about them  
25 doing it by themselves. It would not have happened

1 without that law. Trash bags I think are more symbolic.

2 It's tough to do that.

3           My concerns and my question are about collection  
4 and market development. I don't know personally who  
5 comprises the membership of the Association of  
6 Post-Consumer Plastic Recyclers. I don't know who they  
7 are. I can probably say pretty clearly none of my old  
8 companies were part of that organization, which tells me  
9 since we were the guys that did all the collection, since  
10 we were the guys that had to deal with irate people when  
11 APC came out with their advertising campaign that one  
12 through seven could be recycled and we didn't have markets  
13 for any of that stuff, we were made the bad guys. I need  
14 to know who makes up that group. If they're going to be  
15 looking at collection and market development, I want to  
16 know who the membership is. Because I get so tired of  
17 people saying that they can't get recycled content to put  
18 into their products. They can't get it in a lot of cases  
19 because they don't want to pay for it. And they don't  
20 want to pay for it because they think that, you know, they  
21 just somehow should get it for nothing. Well, that's not  
22 fair to the citizens of the State of California who have  
23 to pay in the rate for trucks to go up and down the street  
24 to recover that material. So I need to know that  
25 membership.



1 I also need to know when it's ISREE -- and I  
2 like the Flannegans a lot -- but when it's ISREE talking  
3 about collection, I know there are past members of ISREE  
4 who have absolutely hated franchise haulers, have never  
5 thought that we did our job. So I'd really like to know,  
6 you know, who else is going to be included in this group,  
7 because it needs to be the people that are actually out on  
8 the street collecting the stuff. And I don't see it --  
9 you know, I mean I don't know who the membership is, so I  
10 have a problem with it.

11 And then I do think that any work that we can do  
12 on biodegradable plastics is critical. It is critical to  
13 how we're going to deal with the plastics. In going  
14 through 13 states via automobile -- and I think, Linda,  
15 you can probably attest to the same thing -- with the  
16 exception of California, I didn't see a whole lot of  
17 litter on streets, on highways. I mean I went through the  
18 State of Louisiana and saw one box in that whole state.  
19 Now, I did see plastic in the swamp when I was on an air  
20 boat that probably had flown out of somebody's boat or  
21 whatever, and I saw it floating there.

22 But I didn't see a lot of litter in a lot of  
23 states. So it amazes me -- I know it's a huge problem in  
24 California. It's a huge problem in a lot of places. But  
25 I think that a lot of the white plastics paper is good.

1 But I'm going to tell you, I'm never going to support  
2 anything that makes it easier not to have to quantify RPPC  
3 or trash bags, because without those two tools, we're not  
4 going to get any recycled content into anything as far as  
5 I can see.

6 So my question really is, I need to know the  
7 membership of those organizations because I don't think  
8 there's any hauling companies in them.

9 MR. YOUNG: Okay. Fair enough.

10 And on the issue of the trash bag and RPPC, the  
11 intent was not to throw the baby out with the bath water,  
12 as it were, but to try and develop a better animal to  
13 accomplish the market development objectives, and then  
14 come and seek Board concurrence or approval, "Does this  
15 work or does it fall short?" and provide additional  
16 guidance.

17 So we agree. We're not -- it's not like get rid  
18 of the RPPC and then find something. It would be: Is  
19 there a better, more comprehensive solution to plastics  
20 that would cover RPPC plus? And then present that as a  
21 proposal.

22 BOARD MEMBER JONES: Yeah, get APC to help us  
23 with figuring out how we can get at least 40 percent  
24 recycled content into everything that's plastic. That  
25 might work. That would be a reason to do away with it.

1 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.  
2 Jones.

3 Any other questions before we go to the public  
4 comments?

5 Mr. Paparian.

6 BOARD MEMBER PAPARIAN: Yeah, I just wanted to  
7 follow up on one thing.

8 Calvin, bringing up litter I think was a very  
9 important issue to bring up. But I do disagree with the  
10 conclusion that litter's simply a human behavior problem.  
11 When I visited landfills, there's two things that the  
12 landfill operators always tell me. One is they have the  
13 best and cleanest landfill around. And the second thing  
14 they always tell me is they spend a of money cleaning up  
15 plastic litter. And I remember one large landfill told me  
16 I think was half a million dollars a year they were  
17 spending cleaning up plastic bags that blow all over the  
18 place. I'm not sure what human behavior problem we would  
19 have to solve in order to prevent that from happening,  
20 because I don't think it's simply a human behavior issue.  
21 I think it's inherent in the nature of some of the plastic  
22 products that are out there that they become litter  
23 regardless of the human behavior aspect.

24 MR. YOUNG: Board Member Paparian, you're  
25 absolutely correct. There's actually several categories

1 of litter. And perhaps the Chair may be familiar with  
2 this in her involvement with Keep California Beautiful.  
3 But there are several categories of litter. And the one  
4 that I was making reference to is the human, you know,  
5 discards along the roadway. There's obviously from  
6 landfills, from open trucks, from a variety of other  
7 areas. So that was just one that I was referencing. But  
8 you're absolutely correct.

9 CHAIRPERSON MOULTON-PATTERSON: I was going to  
10 ask Mr. Young, has this been shared with the Keep  
11 California Beautiful or would you like me to share it with  
12 the Board of Directors?

13 MR. YOUNG: Thank you for asking that. Very good  
14 point. In fact I just got off the phone yesterday with  
15 Marlene. We had a conference call with her, the executive  
16 director. And we've had discussions with her. And we  
17 would appreciate any additional involvement from your  
18 office.

19 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.  
20 First speaker is Zenny Yagen of the Department of  
21 Conversation, followed by Jim Gibson a NewPoint Group.

22 Good morning.

23 MS. YAGEN: Good morning. That was a long walk.  
24 Thank you for allowing me to be here. My name is Zenny  
25 Yagen, and I'm with the Department of Conversation,

1 Division of Recycling.

2 Jim Ferguson, the Assistant Director for  
3 Recycling, unfortunately could not be here and sends his  
4 regards.

5 What I'd like to say is that the Department of  
6 Conservation looks forward for continued partnership with  
7 the Waste Board and continued collaborative efforts in  
8 working with the Waste Board. The past two years in  
9 working with you in developing the white plastic paper has  
10 been very effective. We're able to get all the  
11 stakeholders together in a very comprehensive manner.

12 The collaborative efforts between our two  
13 agencies have brought together knowledge, skills, and  
14 technical expertise from both areas, which better serves  
15 all our stakeholders.

16 And, more importantly, we've developed a great  
17 working relationship between our two agencies.

18 Thank you.

19 CHAIRPERSON MOULTON-PATTERSON: Thank you for  
20 being here.

21 Jim Gibson, NewPoint Group, followed by George  
22 Larson.

23 MR. GIBSON: Good morning. My name is Jim  
24 Gibson. I'm a director with NewPoint Group, the Board's  
25 contractor for the plastics white paper.

1 I'd like to thank you for allowing NewPoint Group  
2 the opportunity to make some comments before the Board  
3 this morning on the Plastics Stewardship Council. We know  
4 there's been some confusion on this issue, and we want to  
5 clarify the matter.

6 First of all, the Board should be commended for  
7 its vision in the commissioning of the plastics white  
8 paper nearly two years ago. To this initiative the Board  
9 has elevated itself to a position of national leadership  
10 on plastics environmental policy. As Board staff have  
11 rightly pointed out in their Board memorandum, with some  
12 exceptions the plastic industry is not adequately  
13 addressing plastics shortcomings on its own. Plastic  
14 economic externalities and environmental impacts, they are  
15 long term, they are structural in nature.

16 Plastic policy issues are complex and they're of  
17 a subtle difficult nature, and they require comprehensive  
18 instructional solutions. These types of long-term plastic  
19 policy approaches cannot be readily obtained by piece meal  
20 compromise or direct legislative initiatives.

21 Plastics are now being scrutinized. And there is  
22 substantial controversy brewing with regard to plastics  
23 technology, and that was rightfully pointed out by one of  
24 the Board members, that specifically biodegradable  
25 plastics and plastic conversion technologies are going to

1 be very hot topics before you.

2           There are numerous plastic policy options  
3 presented in the white paper. Among those numerous  
4 options is a structured collaborative process  
5 recommendation in order to develop shared responsibility  
6 for plastics in the state. We stated in the report that  
7 the CIWMB and the Department of Conservation should  
8 support and help facilitate this process going forward.  
9 We also opined in the white paper that California's  
10 long-term plastics solutions need not necessarily be  
11 legislatively mandated or even government directed. We  
12 went on to describe how a privatized initiative  
13 alternative also could provide a potential model for  
14 California's efforts to optimize plastics use, recycling,  
15 and disposal.

16           Now, we can completed our draft final plastics  
17 white paper independent report back in mid-October of  
18 2002. This year, in April of 2003, for fear of losing  
19 needed momentum in the plastics policy area and on our own  
20 part not fully appreciating the Board's public process, we  
21 drafted and circulated a business plan for a proposed  
22 Plastics Stewardship Council. It's called PSC. And the  
23 PSC was proposed as a new special purpose,  
24 multi-stakeholder organization with the goals of  
25 formulating, developing, implementing policies and

1 policies and program at the national level, the state  
2 level, the local levels and company levels that result in  
3 the responsible use of all plastic products and packaging.

4 We have provided a copy of the PSC business plan  
5 to the Board for their record.

6 Now, we support the Board staff recommendations  
7 that they continue the Board-led collaborative process  
8 used during the plastics white paper effort. We also  
9 support allowing the Board-led plastics collaborative  
10 process to proceed unimpeded, without any perceived  
11 competition or confusion from the PSC.

12 We also understand that some large plastic  
13 industry stakeholders have expressed their desire to work  
14 with a Board-led process.

15 Our desire, NewPoint group's desire with the PSC,  
16 was to move forward in a timely basis on plastic policy  
17 issues of national importance. While never our intention,  
18 we now realize that we did not allow sufficient  
19 opportunity for our clients, namely, you, the Board, and  
20 the Department of Conservation, to work within their own  
21 processes and to initiate their own collaborative efforts.

22 We value our working relationships with the Board  
23 and the Department of Conservation. We apologize for any  
24 confusion that may have resulted from the PSC. We are  
25 immediately suspending all activity related to the PSC at



1 this time. We wish the Board the best of success with  
2 plastics. And, in fact, we encourage the Board to  
3 incorporate some of the strategies outlined in the  
4 business -- in the PSC business plan that has been  
5 provided to them, namely, bringing international and  
6 national stakeholders into California's plastic  
7 deliberations.

8 A unique aspect of the PSC was to bring together  
9 nationally multi-stakeholders across the entire economic  
10 chain, from producers to consumers, and across the  
11 plastics resin spectrum. These two economic linkages have  
12 not been effectively brought together to work through  
13 long-term macro plastic policy issues.

14 There are huge potential plastic consequences for  
15 large retailers, and they need to be part of the plastic  
16 policy solutions.

17 So we conclude our comments this morning by again  
18 commending the Board and the Board staff for its  
19 leadership in this area. And with the white paper,  
20 plastics may have now become one of your Board's key  
21 priorities.

22 Thank you.

23 CHAIRPERSON MOULTON-PATTERSON: We might have  
24 some questions.

25 Do Board members have any?

1           Okay. Thank you.

2           George Larson, followed by Chris Perry.

3           George Larson, Plastic Energy LLC.

4           MR. LARSON: Madam Chair, members. Thank you  
5 very much. Appreciate the opportunity to make a few  
6 comments.

7           I want to start off by commending Calvin Young  
8 and all of your staff who were involved in and supportive  
9 of the white paper -- plastics white paper effort.

10          I also want to commend the Newport Group for the  
11 objective manner in which they approached this very  
12 complex subject that carries with it obviously some  
13 significant, I'll call it, political baggage in order to  
14 provide an objective discussion about issues.

15          I truly believe after being involved in this  
16 issue for over 10 years that this is the first truly  
17 objective study on the pros and cons of this issue. And I  
18 believe the report reflects some thoughtful  
19 recommendations that the Board should consider seriously  
20 as it moves forward to develop your policies for  
21 California.

22          I encourage you to support the four options  
23 outlined in the agenda item; in particular, collection and  
24 market development and research and development of new  
25 technologies.

1 I use that as segue on behalf of my  
2 representation of Plastic Energy LLC and ask your  
3 continued support of the development of conversion  
4 technologies as it relates to the plastics issue.

5 This Thursday Plastic Energy will sign our RMDZ  
6 loan afforded us by the Waste Management Board through  
7 that program. I wish to say that we're very appreciative  
8 of that effort and will do everything within our power to  
9 pay you back, and not only in dollars but to pay you back  
10 in rewards for increased markets for plastics that are  
11 currently not being recycled.

12 Our first facility will be in Hanford, where we  
13 will process by design of the facility 26,000 tons of  
14 plastic a year and produce approximately 7 million gallons  
15 of ultra-low sulfur diesel fuel. This fuel will meet U.S.  
16 EPA standards for emissions of sulfur that will go into  
17 effect for all diesel engines in 2007.

18 We welcome the evaluation of our technology in  
19 our facility under the Office of Environmental Health  
20 Hazards Assessment where studies are all sponsored by the  
21 Board to conduct health risk assessments of the conversion  
22 technologies. We want ours to be one that's front and  
23 center in that analysis.

24 AB 2770, Assembly Member Matthews, defined  
25 conversion technology and specified conditions under which

1 that technology could develop. And specifically plastics  
2 that are going to recycled end-uses right now, as such --  
3 as those such are supported by the Department of  
4 Conservation, would continue to go towards those end uses.  
5 And we are targeting the materials now that are going into  
6 landfills.

7           We love film. We have been working with one  
8 particular company that collects over 1 million pounds of  
9 ag film from the fields in California between Oregon  
10 border and Bakersfield. That material, which is the high  
11 density or a low density polyethylene film, is now going  
12 to landfills. We're targeting that as a feed stock for  
13 our facilities.

14           We love polystyrene, expanded or otherwise, even  
15 with the spaghetti sauce on it coming off of food trays.  
16 Spaghetti sauce is an oil-based material. We --

17           BOARD MEMBER JONES: If it's good.

18           MR. LARSON: If it's good. If it's from North  
19 Beach.

20           (Laughter.)

21           MR. LARSON: We love high-density polyethylene  
22 oil containers with the oil in it. That's the same base  
23 product that we're going to be retrorefining back into a  
24 petroleum feed stock.

25           I would recommend as an adjunct to this program

1 that the Board consider in its Used Oil Opportunity Grant  
2 the opportunity for us to -- or anyone else who has the  
3 technology available, to expand that Used Oil Opportunity  
4 Grant to target in on HDPE one-quart containers as a feed  
5 stock not only for the recycling of plastic, but the  
6 recycling of oil, because those containers in large part  
7 end up in landfills because of the oil in them.

8 I would like to put on my APC hat now and put the  
9 target on my back. I know there's an issue --  
10 long-standing issues about the relationship between the  
11 collection industry and the plastics industry. And I  
12 think what this study, the white paper, has done is really  
13 broadened the discussion on that from just the APC to a  
14 discussion by material type of what are the barriers  
15 towards the development of markets for those various types  
16 of plastics. And I encourage you to pursue that.

17 On behalf of APC and under the direction of Beth  
18 Jines, we have met with her and we are working to bring a  
19 program back to fruition which is called Operation Clean  
20 Sweep, which is an industry initiative for all industries  
21 that utilize pellets in the manufacture of products to  
22 exercise a full range of activities to control these  
23 pellets to keep them from entering any estuaries or water  
24 streams. It makes economic sense for the companies to do  
25 this because that's lost profits for them too.

1           Ms. Yagen just testified about coordination  
2 between these agencies, Department of Conservation. SB  
3 332, enacted several years ago, broadly expanded the  
4 universe of containers that are under the Beverage  
5 Container Program. There has been difficulty in  
6 identifying, targeting, and creating markets for some of  
7 the, I'll call, non-standard. Everyone knows the soda  
8 bottles are under the program. But there are many other  
9 containers. I would encourage you to support Senate Bill  
10 23, which will provide some mechanisms for the Department  
11 to target these kinds of materials to increase their  
12 recovery.

13           And for my special interests, I would like to  
14 increase their recovery for use as a feed stock in  
15 production of ultra-low sulfur diesel fuel.

16           To Mr. Jones' comments about the APR. I can  
17 identify that companies like Talco Plastic, which is the  
18 largest reclaimer of plastic -- post-consumer plastic in  
19 California, is a key member of that organization.

20           Wellman, which is the largest carpet production  
21 company that utilizes post-consumer PET and production of  
22 carpets. But I will get for you a full membership list of  
23 that association, Mr. Jones.

24           CHAIRPERSON MOULTON-PATTERSON: I think we'd all  
25 like to see it.

1 MR. LARSON: For everyone. I certainly mean it  
2 for everyone.

3 And, finally, I know in, again, Mr. Jones'  
4 comments about prioritizing recycled content as the  
5 primarily mechanism for increasing markets, that there are  
6 institutional economic barriers that render some  
7 collection processes noneconomic. Our process that would  
8 be able to convert all types of plastics into ultra-low  
9 sulfur diesel fuel are not burdened by that barrier  
10 because we can take it all. And if it doesn't have a  
11 market and isn't already being directed to that market,  
12 that's what we'll be targeting for for the future. And  
13 hopefully we'll be able come back shortly and report to  
14 you on the progress we're making in the development of our  
15 first facility.

16 With that, I'd be glad to answer any questions.

17 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.  
18 Larson.

19 I don't see any questions.

20 We have Chris Perry, California Coastal  
21 Commission.

22 MS. PERRY: Hi. Thank you very much, Madam Chair  
23 and Board members.

24 I would also, as other speakers have, like to  
25 applaud your efforts in taking on this very important and

1 very complicated issue. From the Coastal Commission's  
2 perspective, I think we approach the issue from a slightly  
3 different perspective than some of the other stakeholders  
4 in this and that we're really looking at the environmental  
5 impacts, the externalities of plastics waste and litter.

6 And just as a little background, we've been  
7 working on this issue for quite a long time, mainly from  
8 the standpoint of public education. We've had a public  
9 education program on marine debris for about 15 years.  
10 And in the context of that we've been putting on statewide  
11 beach cleanups every year in the fall. And this past year  
12 we picked up more than 700,000 pounds of debris on one  
13 single day off of our beaches. So it gives you a slight  
14 idea of the magnitude of this problem in terms of the  
15 litter and how it's affecting the environment.

16 About two-thirds of the debris that's picked up  
17 on these cleanups is plastic. It's one of the -- it is  
18 the major contributor.

19 And for me this issue of marine debris really  
20 came into focus in the last couple of years with some of  
21 the research that Charles Moore and the Marine Research  
22 Foundation has done in the North Pacific looking at the  
23 plastic debris and the magnitude of the -- amount of  
24 plastic in comparison to the amount of plankton. I don't  
25 know if some of you may be familiar with this work. But



1 some of the findings were that there was six times as much  
2 plastic fragments in the middle of the North Pacific as  
3 there were plankton. It's astronomical.

4           And I think a point was made in the report, which  
5 is important, that every piece of plastic that has ever  
6 been generated is still in existence. It's still  
7 somewhere. Whether it's in a landfill or out in the  
8 environment, it still exists. So we're dealing with a  
9 very big problem. And I feel like -- like I said, I think  
10 it's very important that you're taking on this issue.

11           The white paper itself I think did some very good  
12 research and makes some very good points. But overall I  
13 really feel that it's inadequate. I feel that it misses  
14 the point in that this is really an opportunity to address  
15 the problem of plastics in the environment, and I don't  
16 feel that it does that.

17           Most of the focus of the report, from my point of  
18 view, seems to be on managing the existing waste as  
19 opposed to placing attention on waste reduction. We  
20 really feel that litter is more than a behavioral problem.  
21 Even though from the public education point of view is the  
22 aspect that we're working on, we know from our past  
23 experience that that's not sufficient to solve the  
24 problem. That it's definitely one part of the puzzle, but  
25 that there also has to be other efforts made to reduce the

1 magnitude of the waste that we're generating and the  
2 amount of packaging produced.

3           When source reduction is mentioned in the report,  
4 it seems to be narrowly defined as using less resin to  
5 produce the same amount of products. So we felt that was  
6 a deficit of the report.

7           A couple of other points specifically about the  
8 report, we feel that the state should have a policy  
9 favoring closed-loop recycling over open-loop recycling.  
10 Not that we're against open-loop recycling, but we see  
11 that there are clear advantages to closed-loop recycling.  
12 And that some of the disadvantages of open-loop recycling  
13 are not addressed in the white paper, namely, that  
14 open-loop recycling doesn't reduce the amount of resin  
15 produced and the associated environmental impacts in terms  
16 of natural gas and oil production. And that products  
17 ultimately that are produced in open-loop recycling will  
18 need to be land filled and disposed of at some point. It  
19 perpetuates the system of our increased plastic  
20 production.

21           And then, second, on the issue of biodegradable  
22 plastics, this is a -- it's something that we're very  
23 interested in from the environmental perspective. It  
24 could be a very good thing if these plastics that are out  
25 in the middle of the ocean were degrading. However, we

1 don't feel that it's a panacea, in that there may be  
2 environmental impacts from the production of the materials  
3 used to produce this biodegradable plastics that really  
4 haven't been looked at. I'm not aware of very much  
5 research -- or any research looking at the externalities  
6 of that process. So in other words, the amount of  
7 chlorine production that might have to be produced in  
8 order to create these biodegradable plastics.

9           So that pretty much summarizes my comments. In  
10 general, we feel that the report is an important one in  
11 terms of setting the state's policy with respect to  
12 plastics. And it really needs to encompass the full range  
13 of issues, as I've talked about them in terms of source  
14 reduction, the environmental impacts. And while the  
15 report is good, and it's -- in the way that it's defined,  
16 it's not broadly enough defined to really solve this  
17 problem.

18           Thank you.

19           CHAIRPERSON MOULTON-PATTERSON: Thank you, Ms.  
20 Perry. We really appreciate you being here.

21           Have you been asked to be involved in any of our  
22 discussions?

23           MS. PERRY: Yes. And I meant to mention that. I  
24 have been working with Calvin Young as well as other  
25 agencies in the working group that he mentioned. And I

1 think that's a very -- a good step in the right direction.

2 CHAIRPERSON MOULTON-PATTERSON: Thank you. We  
3 appreciate your participation.

4 MS. PERRY: Thank you.

5 CHAIRPERSON MOULTON-PATTERSON: Questions,  
6 comments?

7 We're finished with our public speakers.

8 Mr. Medina.

9 VICE CHAIRPERSON MEDINA: Yes, Madam Chair. I  
10 only wish to say that I share the concerns regarding the  
11 serious negative impacts that discarded plastics have on  
12 our environment, and that our Board would give this  
13 serious -- a very high priority that will support both  
14 waste reduction and waste management. I have noticed that  
15 at one time there was a very intense program at all the  
16 supermarkets where they made it a point to offer you a  
17 choice between plastic or paper. And I don't see that any  
18 more. I found several supermarkets and number of times  
19 they're out of paper. So I think somewhere along the  
20 line, you know, the emphasis hasn't been retained. So I  
21 think that again our Board has to give this a very high  
22 priority.

23 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.

24 Any other comments?

25 Mr. Jones.

1 BOARD MEMBER JONES: Thank you, Madam Chair.

2 Again, I think the report is a good first step.

3 I think we have a lot more work to do. I think it's  
4 important the Board give direction to continue the monthly  
5 meetings or quarterly meetings, whatever it is.

6 I think it's important to know that if you look  
7 historically, whenever this Board from this dais has  
8 questioned any issues dealing with plastic or the  
9 recycling rate or things like that, there's always been a  
10 reaction. And, you know, it's always been pretty fierce.  
11 I know the last time that I said I wasn't supportive of  
12 the white paper in some of its conclusions, I was invited  
13 to a Senate task force to talk about my ideas for plastic  
14 recycling in the future. Fortunately I had an obligation  
15 of speaking somewhere else in the state, and so I was able  
16 to pass on that. Although I would have loved to have sat  
17 in that group and told them when I thought we ought to be  
18 thinking about.

19 It's key that this Board continues -- and under  
20 your direction, Madam Chair, I appreciate that we have  
21 done this white paper -- continues to push the envelope on  
22 plastics recycling, whether it's conversion technology,  
23 biodegradable technologies, and continue to push for  
24 source reduction and recycled content with new packaging.

25 The one thing that has never changed as long as

1 I've been doing this in the private sector or here is that  
2 every time we start to get a price for our recycled  
3 recoverable material and get it into the marketplace, the  
4 price of virgin resin drops, making sure that everything  
5 we recovered -- if we wanted that market, you know, it  
6 would take money out of our pockets to fill it.

7           That's the reality of how this works. And if  
8 somebody can prove wrong -- prove that I'm misstating,  
9 knock yourselves out. Because that's just the way the  
10 cycles happen to work, and it's very amazing to me.

11           So, we've got to continue to keep this on the top  
12 of our radar screen. We've got to continue to do  
13 everything we can -- I'd love it if the oil companies  
14 would come to the understanding that they could, you know,  
15 figure out a way to help us get our recovered plastics  
16 back into their new products. It's going to take forever  
17 for them to ever see that. So I think we just got to keep  
18 pushing. I think that the recommendation's right. I  
19 don't -- I'm not going to support any recommendation to  
20 change RPPC or trash bag until you can show me a better  
21 method. I don't have any problem with you working on a  
22 better method. Get the oil companies to agree to put 40  
23 percent recycled content in every new plastic bottle they  
24 make I'll be there.

25           So if there's no other comments, Madam Chair --

1 CHAIRPERSON MOULTON-PATTERSON: Mr. Paparian's  
2 light's on.

3 BOARD MEMBER JONES: Oh, I'm sorry.

4 And I don't have a light. So that's why I'm  
5 going forward.

6 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

7 I mean this is a tough one. The amount of work  
8 that's gone into this white paper has been -- you know,  
9 it's been a lot. But I'm still troubled by some of the  
10 direction in it, the kind of awkward product stewardship  
11 direction, which is kind of different than what we've done  
12 before, as I talked about earlier this morning. The  
13 boldest legislative recommendations seem to be to repeal  
14 the RPPC and trash bag laws and replace them with some  
15 unspecified new directions rather than really going  
16 forward with something more comprehensive in terms of  
17 encouraging greater recycling, greater market development  
18 in the plastics area.

19 The recommendation on the landfill tipping fee,  
20 I've got some issues with that. I've got some issues with  
21 a number of things that are in here. I think it -- you  
22 know, as hard as it's been so far, I think it needs a  
23 little bit more work before at least I agree to it.

24 CHAIRPERSON MOULTON-PATTERSON: Thank you.

25 Mr. Jones.

1 BOARD MEMBER JONES: Madam Chair, I think it's --  
2 I appreciate it. I think it's important that we recognize  
3 that the contractors fulfilled his contract, and I think  
4 that's part of this resolution.

5 So I'm going to move adoption of Resolution  
6 2003-347, consideration of acceptance of the Plastics  
7 White Paper Report and Request for Direction regarding the  
8 implementation of the recommendations.

9 And I think, Madam Chair, that Board members have  
10 all stated where there are still concerns that maybe the  
11 white paper doesn't completely address. And it would be  
12 my understanding as part of the maker of this motion that  
13 those issues continue to be looked at and developed for a  
14 later -- you know, to come back to us later.

15 Would that be reasonable?

16 CHAIRPERSON MOULTON-PATTERSON: Yes, it would, as  
17 far as I'm concerned.

18 Mr. Medina.

19 VICE CHAIRPERSON MEDINA: Second.

20 CHAIRPERSON MOULTON-PATTERSON: Okay. We have a  
21 motion by Mr. Jones, seconded by Mr. Medina, to approve  
22 Resolution 2003-347, taking into consideration all the  
23 comments that have been raised.

24 Please call the roll.

25 SECRETARY WADDELL: Jones?



1 BOARD MEMBER JONES: Aye.

2 SECRETARY WADDELL: Medina?

3 VICE CHAIRPERSON MEDINA: Aye.

4 SECRETARY WADDELL: Paparian?

5 BOARD MEMBER PAPARIAN: No.

6 SECRETARY WADDELL: Peace?

7 BOARD MEMBER PEACE: Aye.

8 SECRETARY WADDELL: Washington?

9 BOARD MEMBER WASHINGTON: Aye.

10 SECRETARY WADDELL: Moulton-Patterson?

11 CHAIRPERSON MOULTON-PATTERSON: Aye.

12 Thank you.

13 Number 11, consideration of application for SB  
14 1066 time extension by the City of Redondo Beach, County  
15 of Los Angeles.

16 DEPUTY DIRECTOR SCHIAVO: Steve Uselton will  
17 present this item.

18 CHAIRPERSON MOULTON-PATTERSON: Thank you.

19 MR. USELTON: Good morning, Board members.

20 This city of Redondo Beach has requested an  
21 extension through December 31st of 2004.

22 The specific reasons the city needs a time  
23 extension are as follows: It will modify their  
24 construction and demolition program to fill gaps in  
25 reporting and outreach and education, and will help the

1 city improve participation to recapture recycling  
2 information. It will be expanding the residential  
3 curbside recycling program to a semi-automated collection  
4 program using 64 gallon carts for recyclables and green  
5 waste for all single-family homes and 3,000 multi-family  
6 units.

7 Currently the program is being piloted for 250  
8 residents. It will be fully expanded to the city. At  
9 this point the residents are using 18 gallon containers.

10 The city will also be expanding the city's  
11 commercial recycling program that offers no charge per  
12 recycling collection. This will be accomplished through  
13 targeting of the city's largest generators and through  
14 additional outreach and education to businesses.

15 The city will increase the amount of material  
16 that is directed to transformation facilities and the  
17 city's service provider will separate street-sweeping  
18 debris to remove contaminants so that the material can be  
19 used for ADC or composted.

20 The city anticipates a 25 to 33 percent increase  
21 in the diversion rate from these programs.

22 Board staff would also like to inform the Board  
23 that on June 3rd, 2003, the City of Redondo Beach City  
24 Council met and awarded a solid waste handling agreement  
25 that will effect on November 1st, 2003. The city has

1 indicated to Board staff that the major programs provided  
2 in this time extension will be implemented under the new  
3 agreement. Staff has reviewed the agreement and it  
4 appears to provide the program's provided in the city's  
5 plan of correction.

6 Board staff has determined that the information  
7 submitted in the application is adequately documented and  
8 is recommending that the Board approve the time extension  
9 request from the city.

10 That would conclude my presentation. And a  
11 representative of the city is available today.

12 CHAIRPERSON MOULTON-PATTERSON: Thank you.

13 Mr. Medina, did you have your light -- I'm sorry.

14 Ms. Peace.

15 BOARD MEMBER PEACE: I would like to ask the city  
16 representative some questions.

17 I see here that your diversion rate has really  
18 gone up and down and up and down over the last few years  
19 here, from 35 percent clear back in 1995 and 19 percent in  
20 1999 and now it's up to 28 percent in 2000.

21 And I'm just wondering. Here it says that you  
22 will address the barriers the city has faced in meeting  
23 the 50 percent. And could you tell me what those barriers  
24 are or were?

25 MR. EMERSON: Well, you know, a number of

1 barriers that we faced -- where to start -- probably  
2 started in 1998 when we were having a pretty good  
3 diversion rate going on and we were on our way to  
4 achieving compliance. And then in 1999 the diversion rate  
5 went down to 20 percent. And this was a complete shock to  
6 us, because at that point we had -- you know, our  
7 diversion rate at 37 percent with a 10 percent coming from  
8 waste to energy, we were pretty much right there. So we  
9 thought we were on board. We already had a number of  
10 programs that many communities have done that are very  
11 effective at diverting waste. And we had three stream,  
12 you know, trash, recycling, and green waste. And we  
13 are -- like I said, we are prepared to send a 10 percent  
14 diversion to the waste-to-energy facility.

15           So we started to look at what was wrong with  
16 either our programs or what was wrong with the  
17 calculations out there. And We tried at that point to  
18 analyze the problem.

19           We worked with consultants at the time, and they  
20 suggested to -- that by doing a new base year and looking  
21 to find out what the problems were.

22           After -- you know, it took quite a long time to  
23 get the base year and everything out. But that did reveal  
24 that we could not find any irregularities in the disposal  
25 process. And at that point realizing that, you know, the

1 programs -- we had a lot of programs out there, but maybe  
2 they just weren't doing the trick and we could  
3 obviously -- or obviously they weren't doing the trick and  
4 that we really needed to enhance those programs

5 BOARD MEMBER PEACE: I'm just wondering because  
6 you're -- not like you're an underprivileged community,  
7 not like you're a rural community. I don't really think  
8 you have a really good excuse for being this low.

9 MR. EMERSON: We have a lot of small businesses.  
10 We have one large business in TRW, and they have a  
11 tremendous recycling program. You know, when I look at  
12 our -- you know, I kind of agree with you in the sense  
13 that it surprises me considering all the programs that we  
14 have. You know, our commercial recycling program is free  
15 of charge to businesses out there. We've promoted the  
16 program. You know, we have a household hazardous waste  
17 facility. We have a -- we've recently just -- you know, a  
18 food finders collection program. You know, we've done a  
19 lot of programs.

20 I don't know that -- well, I'm not really sure  
21 why people, you know, are not prone to recycle as much as  
22 they could be. But, you know, we are very similar to the  
23 communities around us that are not -- not all the  
24 communities around us which have similar circumstances are  
25 in compliance either. I mean Torrance is not, Manhattan

1 Beach is not. I don't if that's any indication or  
2 anything. But, you know, many of the -- there really is  
3 no one around us that's over 50 percent. There are some  
4 that have applied for good faith that are high, in the  
5 high forties.

6 But, you know, we're doing our best to get over  
7 the top. And we are doing programs and we are --

8 BOARD MEMBER PEACE: So what are you going to do?  
9 What kind of programs are you going to have? And what are  
10 you going to do to make sure you get the participation  
11 from the public that you need to get your diversion rate  
12 up?

13 MR. EMERSON: Well, we -- like Steve mentioned,  
14 we are going after the automated program. One of the  
15 things that -- the automated recycling program. One of  
16 the things that people say to us is that, you know,  
17 regular curbside program is not convenient enough. And so  
18 we've, you know, gone after what has helped a lot of  
19 communities, including Los Angeles and Oxnard and  
20 Torrance, in really bringing their diversion rates up is  
21 providing for the people that just don't even participate  
22 at all, we -- you know, we do get a pretty good amount of  
23 tonnage out of our curbside program. But there's a lot of  
24 people that just don't participate at all. And with a  
25 container you just drop the material in and wheel it to

1 the curb, the convenience is so much easier.

2 So that's one of the things that -- and along  
3 with that, I mean we do have a new hauler and we do have  
4 a -- we will be doing an expanded public education  
5 outreach program. Now, that's for the residential side.

6 We also will be having to expand and go after  
7 commercial through staff and -- your staff here. And also  
8 with our staff, we're going to be -- we've figured out to  
9 target some of the biggest businesses in town that -- we  
10 have a couple supermarkets that don't have, for example,  
11 the composting program that Von's has where they've got  
12 the container to take everything back. We have a couple  
13 Albertson's, so we're going to go after that and target  
14 the big businesses as much as we can.

15 And then go back out to just all the business out  
16 there and make sure that -- double back and, you know,  
17 find out why -- you know, why they're not participating  
18 and try to get them to participate.

19 BOARD MEMBER PEACE: It just seems like, you  
20 know, 13 years into AB 939 that you should have done  
21 something a little more before now. I'm glad you're  
22 working on it, but it just seems like it's kind of late.  
23 You should have maybe started this several years ago.

24 MR. EMERSON: Well, you know, the only answer I  
25 have for that is that, you know, in 1998 we were on our

1 way; 1999 it goes to 20 percent. It really looks like --  
2 the way it fell out, it looked like it was a mistake.  
3 We've had a lot of problems in L.A. County with the  
4 disposal going up and down, especially if you're a small  
5 community. And, you know, by doing a new base year to see  
6 if there was a mistake, to see if there was a mistake. A  
7 lot of people have redid their base years. A lot of  
8 people had problems with that. And --

9 BOARD MEMBER PEACE: Did you find reporting  
10 mistakes in 1999? Is that why it went down?

11 MR. EMERSON: We actually looked into it, and we  
12 didn't find any. But that was -- you know, that was our  
13 thoughts at the time, you know.

14 BOARD MEMBER PEACE: But you didn't find any?

15 MR. EMERSON: No.

16 CHAIRPERSON MOULTON-PATTERSON: Okay.

17 Mr. Jones and then Mr. Washington.

18 BOARD MEMBER JONES: Thanks, Madam Chair.

19 Just a couple of questions.

20 I notice that when they audited the franchise  
21 hauler they indicated that the self-hauler may have  
22 contributed a lot. I don't want to know who the hauler  
23 was. But it's probably -- if they did it by looking at  
24 container capacity and then trying to subtract from  
25 disposal reporting system, there may be a false sense that



1 there might be too much self haul. That's all I'm going  
2 to say. So make sure that they didn't do it by just  
3 looking at the capacity and assigning a number to it and  
4 assuming that the rest would be self haul.

5 You do say that you're going to be part of the  
6 L.A. JPA.

7 And, Madam Chair, as the Chair of that Committee  
8 that's -- and a member that's worked awfully hard to get  
9 all these planning documents approved and the biennial  
10 approved and everything else, it's critical to me and I  
11 think to the Board members -- we're going to have the  
12 discussion at some time later about this L.A. JPA or  
13 whatever it's going to be called. But if the City of  
14 Redondo Beach is going to list programs that it's going to  
15 do to meet AB 939 or the 1066, they've got to, you know,  
16 as far as I'm concerned -- I don't care if L.A.'s at 90  
17 percent recycling and that brings every other jurisdiction  
18 along up to 50 -- these programs -- it would seem to me  
19 you're making an assertion that you're going to do these  
20 things. And I would hope that that would continue.  
21 Because otherwise I'm going to have a hard time with this  
22 L.A. JPA, because two things are going to fall out of this  
23 L.A. JPA. There is a misassigning of waste all over L.A.  
24 Every commercial vehicle that hauls in the City of L.A.  
25 has got to go to one of a couple of landfills. When they

1 don't, when those haulers don't go to those landfills,  
2 that they would normally be precluded from going into  
3 others, they assign the waste to other jurisdictions.  
4 That's part of the reason I think that L.A. is at whatever  
5 number it is.

6 We're never going quantify it, so it wasn't worth  
7 bringing up when we did the base year. But it's going to  
8 be huge.

9 So you're telling us in this form that you're  
10 going to do these things. And I'm assuming that when we  
11 make that recommendation, Madam Chair, for the conformance  
12 findings for those, whether it's a JPA or not, these  
13 things are going to have to be done, because the reliance  
14 on that higher number and everybody else saying forget it  
15 and walking away -- and I'm not saying you're going to.  
16 I'm using you as the first one that's come forward that  
17 needs an SB 1066 and yet says they're going to be part of  
18 this L.A. City JPA. While you get an advantage of their  
19 bigger number, I don't think their bigger number's going  
20 to stay there. I think with some of the new disposal  
21 reporting systems that are being put into place, that  
22 number's going to change considerably, and it's not going  
23 to help any of these jurisdictions that are just looking  
24 at that as their answer.

25 So I think the programs that you've identified

1 will get you there. I think that if you're going to do an  
2 automated three bin, don't make the mistake that other  
3 jurisdictions are that citizens will automatically throw  
4 the right recyclable or garbage in the right can. You've  
5 got to make sure that they are -- or understand that when  
6 they contaminate that recyclable bin with garbage, it  
7 ruins more than just that little bit. We've had some  
8 workshops on it. You know, a lot of these single stream  
9 plants aren't at 10 percent. They're a lot higher in  
10 residual, because that garbage contaminates so much more  
11 than just that one plate. So there's a real obligation I  
12 think on you and your new hauler to educate the public,  
13 because it will be successful and you'll pick up another  
14 eight percent right there.

15 So I think you're on the right track. But be  
16 careful on those.

17 CHAIRPERSON MOULTON-PATTERSON: Thank you.

18 I have Mr. Washington and then Ms. Peace.

19 BOARD MEMBER WASHINGTON: Thank you, Madam Chair.

20 Just a couple of questions.

21 What's your position at the city?

22 MR. EMERSON: Senior Management Analyst.

23 BOARD MEMBER WASHINGTON: I'm sorry?

24 MR. EMERSON: Senior Management Analyst.

25 BOARD MEMBER WASHINGTON: For a Department or

1 just the city? What --

2 MR. EMERSON: I'm sorry. With the Department of  
3 Public Works.

4 BOARD MEMBER WASHINGTON: So the Department of  
5 Public Works handles you guys' integrated waste for the  
6 City of Redondo Beach?

7 MR. EMERSON: That's correct.

8 BOARD MEMBER WASHINGTON: Let me just offer to  
9 you. I don't know how serious the city has taken this.  
10 And it sounds like to me, Steve, you're on a good track by  
11 getting a contractor in to help get this job done. But I  
12 would hope you would go back to the city, and being that  
13 I'm down in southern California, I will certainly be glad  
14 to come to a council meeting to certainly place upon the  
15 council and the mayor the importance of understanding  
16 where you guys are.

17 These extensions are given based on the good  
18 efforts that you guys are going to implement a plan to  
19 divert your waste. And it sounds like to me that somehow  
20 something is missing down in the City of Redondo Beach  
21 that you guys haven't -- and I don't know what it is or  
22 what it could be, but there's something missing that you  
23 guys need to implement to help you get to where you are.

24 This was brought up in our Committee, and both  
25 Ms. Peace and I noticed the ups and downs of your

1 diversion over the years. And that's not a good sign.  
2 And so I would hope that the City of Redondo Beach would  
3 certainly make every effort to really control and get some  
4 kind of control over this issue as it relates to making  
5 sure that implement, because Mr. Jones is absolutely  
6 right. When you come back and haven't met the  
7 requirements that you guys say that you're going to do  
8 causes big problem for the city. So I hope that you would  
9 carefully consider what you're hearing today and go back  
10 to those folks.

11 And, again, I avail myself through Steve if you  
12 need me to come to the council meeting to say to those  
13 guys this is a priority for the city, I will be glad to do  
14 so.

15 MR. EMERSON: Thank you.

16 CHAIRPERSON MOULTON-PATTERSON: Thank you.

17 We have Ms. Peace and then Mr. Paparian.

18 BOARD MEMBER PEACE: Actually I was just going to  
19 ask our staff, you know, if they've been working with the  
20 city, going to help them target waste streams and to  
21 better direct them into diversion programs and what  
22 exactly they're doing to help them.

23 MR. USELTON: We have been working with the city.  
24 We did want to take a look at this base year issue in  
25 terms of, you know, where their problems and the numbers

1 or how are things really flushing out. That item was  
2 completed and brought forward to the Board several months  
3 ago, and we feel like we have an accurate measurement that  
4 came out of that.

5           When we look at the study we can also use it as a  
6 tool to look at where some programs may not be doing as  
7 well as they need to. We did have a meeting with the city  
8 to convey that information in terms of what programs would  
9 be good to target. The city recognized that as well, and  
10 in some cases they were already planning to build  
11 improvements into those programs. And in other cases we  
12 really wanted to drive home the message that there was a  
13 need for some expanded public outreach. It wasn't always  
14 that the programs were bad on the commercial side.  
15 There's free recycling service offered to all the  
16 commercial customers. It's getting the participation up  
17 that was the important part.

18           And we do see in the new contract that the city's  
19 approved that that is part of the service that they've  
20 asked for.

21           I've also talked to the city and, you know,  
22 they've recognized that they can't just put it all on to  
23 the service provider as well. They need to go out and do  
24 some of this outreach themselves.

25           So I think there's evidence of, you know,

1 encouragement that these things are going to happen from  
2 the staff point of view. And we'll continue to work with  
3 them to offer information to help support that.

4 Board Member Jones brought up the streamline  
5 workshop. And I know that we're putting together the  
6 information that came out of that workshop, and that will  
7 be a great resource for the city as they roll out this new  
8 single stream project. So we'll continue to work to  
9 support that.

10 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.  
11 Mr. Paparian.

12 BOARD MEMBER PAPARIAN: Yeah, thank you.

13 I'd urge the locality to take Mr. Washington up  
14 on his offer. I mean as I'm looking at these numbers,  
15 it's really -- it's on the edge. If you look -- if you  
16 assume the 28 percent and you add up all the programs and  
17 what the anticipated increases are from all the programs,  
18 you get to like 52 percent, 53 percent.

19 You know, if one of these things doesn't work  
20 quite right, the locality's going to be back here with  
21 some problems. And If you look at the commitment to the  
22 residential increased recycling, it's only about 8 or 9  
23 percent of the increase in diversion is going to come from  
24 the residential, and a lot of it from increased waste to  
25 energy, a lot of it hopefully from concrete asphalt

1 recycling.

2 But, you know, the increased program, I think  
3 there really needs to be a lot of emphasis on that in  
4 order to assure that the 50 percent is achieved and we  
5 don't see this locality back here with problems in the  
6 future.

7 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.  
8 Paparian.

9 You heard we have some concerns. And I think  
10 you're going to have to work very hard.

11 I would say that I was very impressed. I  
12 attended one of your hotel restaurants with -- received a  
13 WRAP of the Year Award. And the mayor was there and the  
14 council members, and they seemed very, very truly  
15 committed to recycling and to encouraging this. So  
16 anything you can do with your businesses along that line I  
17 think would be very helpful.

18 And with that do I have a motion for Number 11?

19 Mr. Jones -- oh.

20 BOARD MEMBER JONES: Madam Chair, I'll move  
21 adoption of Resolution 2003-312, consideration of the  
22 application for the AB 1066 time extension by the City of  
23 Redondo Beach, Los Angeles county.

24 BOARD MEMBER WASHINGTON: Second.

25 CHAIRPERSON MOULTON-PATTERSON: Okay. We have a



1 motion by Mr. Jones, seconded by Mr. Washington, to  
2 approve resolution 2003-312.

3 Please call the roll.

4 SECRETARY WADDELL: Jones?

5 BOARD MEMBER JONES: Ayes.

6 SECRETARY WADDELL: Medina?

7 VICE CHAIRPERSON MEDINA: Aye.

8 SECRETARY WADDELL: Paparian?

9 BOARD MEMBER PAPARIAN: Aye.

10 SECRETARY WADDELL: Peace?

11 BOARD MEMBER PEACE: A. No.

12 SECRETARY WADDELL: Washington?

13 BOARD MEMBER WASHINGTON: Aye.

14 SECRETARY WADDELL: Moulton-Patterson?

15 CHAIRPERSON MOULTON-PATTERSON: Aye.

16 Thank you.

17 It was my intent to finish the next two items so  
18 that section would be over before we take our lunch break.

19 Are they relatively short, Schiavo?

20 DEPUTY DIRECTOR SCHIAVO: Thirteen might be 5 to  
21 10 minutes; then Number 14 should be real brief.

22 CHAIRPERSON MOULTON-PATTERSON: Okay. Let's go  
23 and try and finish this up real quickly.

24 DEPUTY DIRECTOR SCHIAVO: Okay. Item 13 will be  
25 jointly presented by Mark de Bie and Boons Baythavong.

1 And 13 is actually related to 28, which was heard in the  
2 P&E Committee meeting.

3 (Thereupon an overhead presentation was  
4 Presented as follows.)

5 MR. BAYTHAVONG: Good afternoon, Board members.  
6 Boons Baythavong, Waste Analysis Branch.

7 This is a consideration item, of Board staff's  
8 2002 ADC investigation as it relates to claiming diversion  
9 for ADC use at landfills located in northern California.

10 Landfills consisted of Kirby Canyon, Hay Road,  
11 Tri Cities, Altamont, Vasco Road, Pacheco Pass, Forward,  
12 Inc., and Newby Island Landfill.

13 --o0o--

14 MR. BAYTHAVONG: We'll start off by providing  
15 some background information before going into the 2001  
16 investigation summary.

17 Statute established ADC and other waste materials  
18 beneficially used at landfills constitutes diversion  
19 through recycling. Regulations specify ADC materials  
20 applied in excess of requirements for cover counts as  
21 disposal, not diversion. Title 14 regulations require  
22 facility operators to report total tons of each type of  
23 ADC or alternative intermediate cover from each  
24 jurisdiction.

25 --o0o--

1           MR. BAYTHAVONG: Board staff conducted its first  
2 ADC investigation in 2001. This was due to Board staff's  
3 recognition of significant amounts of ADC reported to the  
4 disposal reporting system by some facilities. Nine  
5 facilities were investigated for ADC usage. And in late  
6 2001 Board determined that there was misreporting of ADC  
7 at seven facilities.

8           And at the 2002 April Board meeting, the Board  
9 determined ADC overuse at Fontana and Colton refuse  
10 disposal site. Board directed staff to allocate excess  
11 ADC as disposal. And at that same meeting, Board  
12 instructed staff to focus future efforts on additional  
13 facilities to provide more complete examination of ADC  
14 usage in California.

15                               --o0o--

16           MR. BAYTHAVONG: Board staff from P&E and DPLA  
17 conducted an ADC investigation at eight landfills in late  
18 July of 2002. They included Kirby Canyon, Hay road, Tri  
19 Cities, Altamont, Vasco Road, Pacheco Pass, Forward, Inc.,  
20 and Newby Island Landfill.

21           Facilities were selected based on concerns raised  
22 by stakeholders at ADC workshops about a facility's use of  
23 ADC or relatively high quarterly ADC usage.

24           At each facility's the Board staff requested  
25 records on disposal, ADC, alternative intermediate cover,

1 and beneficial use materials. And in June 2003, the P&E  
2 agenda item contains a detailed discussion of whether  
3 facilities met minimum standards for ADC usage.

4 --o0o--

5 MR. BAYTHAVONG: Board staff received records  
6 from all facilities. In order to determine the accuracy  
7 of the data in DRS, Board staff needed to compare landfill  
8 and DRS records. To provide background DRS records  
9 reflect disposal and ADC data submitted by counties. The  
10 counties received that data from all disposal facilities  
11 located within their county boundaries. So, therefore,  
12 the landfill records submitted to Board staff should match  
13 the DRS records.

14 The disposal tonnages submitted by the landfills  
15 compared closely with the disposal tonnages in DRS. The  
16 difference was equal to or less than two percent.

17 However, there were discrepancies between ADC  
18 tonnages. Six facility records did not match DRS. Staff  
19 worked with landfills for several months to resolve  
20 discrepancies.

21 --o0o--

22 MR. BAYTHAVONG: The fourth column shows a  
23 percent difference between landfill and DRS records. Some  
24 of the primary reasons for differences between records  
25 include: DRS reported ADC which included other beneficial

1 use tons; confusion on ADC coding in the data tracking  
2 system; permission of ADC tons from a transfer station.

3 And specific to Vasco Road Landfill, all green  
4 waste material used as ADC, recycled off-site or used  
5 beneficially on-site, was lumped together. The facility  
6 had no documentation to show what portion was specifically  
7 used for ADC on-site, so the correct ADC amount could not  
8 be confirmed.

9 DRS staff recommend that the ADC reports be  
10 corrected for 2001.

11 --o0o--

12 MR. BAYTHAVONG: As set forth in Title 27  
13 Regulation, waste derived materials used as ADC shall be  
14 restricted to quantities no more necessary to meet the  
15 performance requirements. ADC material applied in excess  
16 of requirements for cover counts as disposal, not  
17 diversion.

18 And after the initial 2002 ADC investigation, P&E  
19 Board staff conducted state inspections at eight  
20 facilities in conjunction with the LEAs. State  
21 inspections did not discover any ADC overuse. And based  
22 on P&E staff's findings, DRS staff recommend that the  
23 corrected ADC tonnages count as diversion.

24 --o0o--

25 MR. BAYTHAVONG: There were discrepancies between

1 landfill and DRS records on the ADC tonnages. Board and  
2 county staff do not have other data in which to  
3 cross-check the ADC data with. Board staff can only rely  
4 on the examination of ADC trends over time to highlight  
5 any anomalies. Board staff believe those revisions to  
6 both ADC and DRS regulations will provide staff, LEAs, and  
7 operators a more complete basis for determining compliance  
8 status in the future.

9 Board staff recommend continued work with LEAs to  
10 conduct any necessary ADC investigations, as findings of  
11 high quarterly ADC usage by facilities are discovered  
12 through DRS.

13 --o0o--

14 Board staff recommends Option 1, determined that  
15 there was no ADC overuse at all eight landfills; 2) direct  
16 Board staff to revise DRS using the confirmed ADC  
17 tonnages; 3) direct Board staff to address ADC issues in  
18 DRS regulations related to increasing documentation,  
19 access to records, accuracy of records and audit  
20 frequency; and 4) direct Board staff to continue to  
21 monitor ADC use at landfills.

22 This concludes my presentation. And now P&E  
23 staff will provide a brief summary of the site  
24 inspections.

25 CHAIRPERSON MOULTON-PATTERSON: Thank you.

1 Questions?

2 Motion?

3 BOARD MEMBER JONES: Madam Chair?

4 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

5 BOARD MEMBER JONES: I'd like to move adoption of  
6 Resolution 2003-309, consideration of Board staff's ADC  
7 investigation starting in the summer of --

8 CHAIRPERSON MOULTON-PATTERSON: Oh, Mr. de Bie,  
9 did I -- I'm so sorry. I apologize.

10 MR. de BIE: Only at the pleasure of the Board if  
11 you want to hear about the P&E part.

12 CHAIRPERSON MOULTON-PATTERSON: Well -- I  
13 apologize. I think we'll go on ahead. You know what  
14 happens when we get hungry.

15 (Laughter.)

16 BOARD MEMBER PAPARIAN: Yeah, I --

17 CHAIRPERSON MOULTON-PATTERSON: Oh, Mr. Paparian,  
18 you have a question?

19 BOARD MEMBER PAPARIAN: Well, I think maybe we  
20 should do the P&E part next month or something, given the  
21 circumstances. But I do want to just raise an issue that  
22 I was going to raise in that context. And, that is, that  
23 I'm concerned that if we find abuse of ADC, the worst  
24 thing that happens is that the operator has to just revise  
25 the diversion numbers and pay a -- pay the fee. Pay the

1 dollar forty a ton.

2 I think we may want to look at some stiffer  
3 penalties for ADC abuse to make sure there's more of a  
4 disincentive for false reporting. You know, something  
5 like -- you know, maybe whatever tipping fee they charge  
6 at that landfill be the penalty, or something that's more  
7 of a disincentive than simply having to go back and pay  
8 what they should have paid to begin with in the BOE dollar  
9 forty. So I think the context for that may be the ADC  
10 regs that go forward. And that's why I wanted to bring it  
11 up in the context of Mr. De Bie's presentation.

12 CHAIRPERSON MOULTON-PATTERSON: Okay. So you're  
13 okay to postpone that?

14 BOARD MEMBER PAPARIAN: Yes. To go forward, yes.

15 CHAIRPERSON MOULTON-PATTERSON: Thank you.

16 Had you finished your motion, Mr. Jones?

17 BOARD MEMBER JONES: Yeah.

18 CHAIRPERSON MOULTON-PATTERSON: Okay. Do we have  
19 a second.

20 VICE CHAIRPERSON MEDINA: Second.

21 CHAIRPERSON MOULTON-PATTERSON: Okay. We have a  
22 motion by Mr. Jones, seconded by Mr. Medina, to approve  
23 Resolution 2003-309.

24 Please call the roll.

25 SECRETARY WADDELL: Jones?



1 BOARD MEMBER JONES: Aye.

2 SECRETARY WADDELL: Medina?

3 VICE CHAIRPERSON MEDINA: Aye.

4 SECRETARY WADDELL: Paparian?

5 BOARD MEMBER PAPARIAN: Aye.

6 SECRETARY WADDELL: Peace?

7 BOARD MEMBER PEACE: Aye.

8 SECRETARY WADDELL: Washington?

9 BOARD MEMBER WASHINGTON: Aye.

10 SECRETARY WADDELL: Moulton-Patterson?

11 CHAIRPERSON MOULTON-PATTERSON: Aye.

12 Number 14.

13 DEPUTY DIRECTOR SCHIAVO: This is consideration  
14 of Contract Concept, A Scope of Work, and with Department  
15 of Food & Agriculture as a contractor.

16 This effort has been coordinated with Markets  
17 Division as well as a large public venue, staff as well as  
18 Food & Agriculture, and the fairs. This was proposed in  
19 Committee, being heard by the Board.

20 Trevor O'Shaughnessy can answer any questions you  
21 may have.

22 CHAIRPERSON MOULTON-PATTERSON: Okay. Questions?

23 BOARD MEMBER PAPARIAN: A Motion.

24 CHAIRPERSON MOULTON-PATTERSON: Mr. Medina.

25 Oh, Mr. Paparian, did you want to make it?

1 BOARD MEMBER PAPARIAN: Go ahead. It's a Motion.

2 Go ahead.

3 VICE CHAIRPERSON MEDINA: Thank you, Madam Chair.

4 I'd like to move Resolution 2003-349,  
5 consideration of a Contract Concept, a Scope of Work, and  
6 the Department of Food and Agriculture as contractor for  
7 the Food Waste Diversion at California Fairs Contract,  
8 (Fiscal Year 2002-2003 Integrated Waste Management Fund).

9 BOARD MEMBER JONES: Second.

10 CHAIRPERSON MOULTON-PATTERSON: There's two  
11 resolutions. Does it matter what order we take them in?

12 Okay. We have a motion by Mr. Medina, seconded  
13 by Mr. Jones, to approve Resolution 2003-349 revised.

14 Without any objection, substitute the previous  
15 roll call.

16 Now, we'll go on to the next resolution.

17 VICE CHAIRPERSON MEDINA: I'd like to move  
18 Resolution 2003-310, consideration of a Contract Concept,  
19 Scope of Work, and the Department of Food and Agriculture  
20 as Contractor for the Food Waste Diversion at California  
21 Fairs Contract (Fiscal Year 2002-2003, Integrated Waste  
22 Management Account fund).

23 BOARD MEMBER JONES: Second.

24 CHAIRPERSON MOULTON-PATTERSON: Motion by Mr.  
25 Medina, seconded by Mr. Jones, to approve.

1           Substitute the previous roll call.

2           Before we break for lunch I did want to ask my  
3 colleagues, get their input on this. Looks like we have  
4 1, 2, 3, 4 fiscal consent items and only one full Board  
5 item in Special Waste. Would you rather do that when we  
6 come back from lunch and then have closed session?  
7 Because that way we wouldn't keep people waiting. Because  
8 I think the closed session might take a little time.

9           Is that okay?

10          Okay. So the Board will return around 1:30 --  
11 between 1:30 and 1:45. Is that okay?

12          I hear groans.

13          BOARD MEMBER PAPARIAN: Madam Chair, 1:30, if we  
14 could, because I do have a conflict late this afternoon.

15          CHAIRPERSON MOULTON-PATTERSON: Oh, that's right.  
16 Mr. Paparian has a conflict on something that can't be  
17 changed. So let's try to get back by 1:30 and we'll get  
18 going.

19          Thank very much.

20          (Thereupon a lunch break was taken.)

21

22

23

24

25

1 AFTERNOON SESSION

2 CHAIRPERSON MOULTON-PATTERSON: I'd like to call  
3 the meeting back to order. Any ex partes?

4 Mr. Washington.

5 BOARD MEMBER WASHINGTON: I have none.

6 CHAIRPERSON MOULTON-PATTERSON: Mr. Paparian.

7 BOARD MEMBER PAPARIAN: Yes, I spoke with Terry  
8 LeVeille regarding tire legislation.

9 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.  
10 Mr. Medina.

11 VICE CHAIRPERSON MEDINA: Chuck White and George  
12 Larson, just a meet and greet.

13 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.  
14 I have none.

15 Ms. Peace.

16 BOARD MEMBER PEACE: I have none.

17 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

18 BOARD MEMBER JONES: George Larson, just a  
19 follow-up conversation on conversion.

20 CHAIRPERSON MOULTON-PATTERSON: Okay. We are at  
21 the Special Waste part of our agenda. And I'd like to  
22 call on the Chair of that Committee.

23 Mr. Medina.

24 CHAIRPERSON MEDINA: Thank you, Chair  
25 Moulton-Patterson.

1           As Chair of the Committee I'd like to report on  
2 the following:

3           In regard to Board Item 15, which had to do with  
4 scoring criteria and evaluation process for the Used Oil  
5 Opportunity Grant Program, this item was placed on the  
6 consent calendar.

7           Item 16, Scope of Work and Contractor for the  
8 evaluation of High Efficiency Filters in State Fleets.  
9 DTSC, contractor, enjoyed fiscal consensus.

10          Item 17, grants for the Used Oil Research,  
11 Testing, and Demonstration also received fiscal consensus.

12          Item 18 was heard by Committee only. And it  
13 pertained to the noticing of the tire hauler regulations  
14 for a 45-day comment period.

15          Item 19, a consumer education tire survey, was  
16 briefly heard at Committee, but will be heard at its  
17 entirety by the Board and this binder here.

18          Item 20 had to do with a grant award to the City  
19 of Madera for a tire cleanup. It also received fiscal  
20 consensus.

21          And, finally, we heard Item 21, which dealt with  
22 reallocation money from the Tire Program. Various  
23 possible funding areas were discussed and decided on. The  
24 item also received fiscal consensus.

25          The scope of work for the evaluation of health

1 risks of emissions from tire-derived fuel was presented.

2 We approved the amount money. And, however, we asked that  
3 the scope of work be brought back to the Committee and  
4 then, finally, to the full Board again for further  
5 revisions.

6 That concludes my report.

7 CHAIRPERSON MOULTON-PATTERSON: Thank you very  
8 much.

9 Okay. Mr. Lee, Item 16, which is on fiscal  
10 consent.

11 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

12 Good afternoon, Board members. My name is Jim Lee, with  
13 the Special Waste Division.

14 First item for the Board's consideration is Board  
15 Item 16, consideration of Reallocation of Used Oil Funds  
16 and consideration of the Contract Concept, Scope of Work,  
17 and Contractor for the Evaluation of High Efficiency Oil  
18 Filters in State Fleets (Fiscal year 2002-2003 Used Oil  
19 Fund Contract Concept 0-44).

20 Staff proposes that the Board approve the scope  
21 of work and the reallocation of \$225,000 in used oil funds  
22 and that the Department of Toxic Substances Control be  
23 approved as the contractor for this contract in the  
24 225,000.

25 This item was heard of the Special Waste and the

1 Budget and Administration Committees, and we recommend it  
2 for consent. Staff recommends that the Board approve  
3 Resolutions 2003-352 and 2003-353.

4 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.  
5 Lee.

6 Mr. Medina.

7 VICE CHAIRPERSON MEDINA: Madam Chair, if there  
8 are no comments or questions, I'd like to move these two  
9 resolutions, Resolution 2003-352, consideration of  
10 Reallocation of Used Oil Funds and consideration of the  
11 Contract Concept and Scope of Work for the evaluation of  
12 High Efficiency Oil Filters in the State Fleets, (Fiscal  
13 year 2002/2003 Used Oil Fund Contract Concept Number  
14 0-44).

15 BOARD MEMBER JONES: Second.

16 CHAIRPERSON MOULTON-PATTERSON: Okay. We have a  
17 motion by Mr. Medina, seconded by Mr. Jones, to approve  
18 Resolutions 2003-352 and 353.

19 Please call the roll.

20 SECRETARY WADDELL: Jones?

21 BOARD MEMBER JONES: Aye.

22 SECRETARY WADDELL: Medina?

23 VICE CHAIRPERSON MEDINA: Aye.

24 SECRETARY WADDELL: Paparian?

25 BOARD MEMBER PAPARIAN: Aye.

1 SECRETARY WADDELL: Peace?

2 BOARD MEMBER PEACE: Aye.

3 SECRETARY WADDELL: Washington?

4 BOARD MEMBER WASHINGTON: Aye.

5 SECRETARY WADDELL: Moulton-Patterson?

6 CHAIRPERSON MOULTON-PATTERSON: Aye.

7 Number 17 also is on fiscal consent.

8 Mr. Lee.

9 DEPUTY DIRECTOR LEE: Yes, thank you, Madam  
10 Chair.

11 Board Item 17 is consideration of the Grant  
12 Awards for the Used Oil Research, Testing, and  
13 Demonstration Grant Program (3rd cycle) for fiscal year  
14 2002-2003.

15 Staff proposes that the following six applicants  
16 be approved for grant awards totaling \$1,266,498:

17 California State University Sacramento, \$261,856.

18 Evergreen Oil, Incorporated, \$300,000.

19 Ross-Campbell, Inc., \$292,755.

20 Geosyntec Consultants, Incorporated, \$225,181.

21 City of La Mirada, \$99,575.

22 Nimmer Pictures, \$87,131.

23 This item was heard by the Special Waste and the  
24 Budget and Administration Committees and recommended for  
25 consent.



1 Staff recommends that the Board approve

2 Resolution 2003-354.

3 CHAIRPERSON MOULTON-PATTERSON: Mr. Medina.

4 VICE CHAIRPERSON MEDINA: Thank you, Madam Chair.

5 I'm ready to move Resolution 2003-354,  
6 consideration of the Grant Awards for the Used Oil  
7 Research, Testing, and Demonstration Grant program (3rd  
8 cycle) for Fiscal Year 2002-2003, for the entities  
9 mentioned by Mr. Lee and in the amount mentioned by Mr.  
10 Lee.

11 CHAIRPERSON MOULTON-PATTERSON: I'll second it.

12 So we have a motion by Mr. Medina, seconded by  
13 Moulton-Patterson, to approve Resolution 2003-354 revised.

14 Without objection substitute the previous roll  
15 call.

16 Nineteen is a full Board item.

17 Mr. Lee.

18 BOARD MEMBER JONES: Madam Chair?

19 CHAIRPERSON MOULTON-PATTERSON: Oh, I'm sorry.

20 Mr. Jones.

21 BOARD MEMBER JONES: Just a question.

22 I don't think there's a problem. It's just --  
23 did Mr. Medina's first motion include 352 and 353?

24 VICE CHAIRPERSON MEDINA: It did, yes.

25 BOARD MEMBER JONES: Okay. I just wanted to make

1 sure.

2 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

3 Board Item 19 is discussion on the Consumer  
4 Education Tire Survey and Marketing Research Contract  
5 (Tire Recycling Management Fund, Fiscal Year 2001-2002).

6 A preliminary discussion of this item was made at  
7 last month's Committee meeting, and abbreviated follow-up  
8 presentation was made before the Special Waste Committee  
9 last week.

10 Staff believe that the survey findings would be  
11 of interest to all of the Board members. And with the  
12 consent of the Special Waste Committee, we propose that  
13 this item be heard before the full Board today.

14 Elena Yates of the Waste Tire Branch will provide  
15 an overview of the work conducted and introduce the  
16 contractor who will make a brief presentation this  
17 afternoon.

18 MS. YATES: Good afternoon, Madam Chair and Board  
19 members. I'm Elena Yates from the Special Waste Division.  
20 This presentation is for Agenda Item 19, discussion on the  
21 Consumer Education Tire Survey and Market and Research  
22 Contract (Tire Recycling Management Fund, Fiscal Year  
23 '01-'02).

24 The preliminary results were heard at the May  
25 2003 Committee meeting, and the final results will be

1 presented today. Board Member Paparian has expressed  
2 concern regarding a question: What do I think we can do  
3 to research people and to get them to do some of the  
4 preferable practices with their tires?

5 And Chico State will provide a response to Board  
6 Member Paparian's request.

7 I'd like to introduce Dr. James Fletcher from  
8 Chico State University, who will present the survey  
9 findings.

10 Thank you.

11 CHAIRPERSON MOULTON-PATTERSON: Thank you.

12 Good afternoon.

13 DR. FLETCHER: Good afternoon. And thank you for  
14 having us here today.

15 (Thereupon an overhead presentation was  
16 Presented as follows.)

17 DR. FLETCHER: At previous meetings I presented  
18 the findings of the literature review and the focus group  
19 proceedings that we prepared as part of this contract.  
20 The literature review and the focus group findings were  
21 utilized to help develop the set of questions that were  
22 utilized in the phone survey that I'll be presenting  
23 today.

24 --o0o--

25 DR. FLETCHER: The five objectives of the

1 telephone survey that I'm reporting is:

2 First, we were trying to determine the knowledge  
3 and behaviors of California consumers related to tire  
4 maintenance and safety.

5 Second, we were trying to find out about recent  
6 tire purchase information, what kind of process did they  
7 go through, what kinds of information did they attempt to  
8 get and consider, and how important was that in their tire  
9 purchase decisions?

10 And then moving on to tire purchasing criteria  
11 when they did in fact make their tire purchase, what  
12 criteria were most important to them in that decision?

13 The fourth is to assess their knowledge of tire  
14 recycling and disposal.

15 And the fifth objective was to assess their  
16 familiarity with tire recycling and disposal campaigns in  
17 California.

18 --o0o--

19 DR. FLETCHER: The survey is being conducted in  
20 five languages. What I'm reporting to you today is the  
21 findings from the English survey, the Spanish, Mandarin,  
22 and Vietnamese and Tagalog, we will have within the next  
23 week. In fact Spanish we'll be getting tomorrow.

24 --o0o--

25 DR. FLETCHER: We asked several key demographic

1 questions regarding driving experience, the number and  
2 types of vehicles that they own or lease, the number of  
3 miles they drive per year, education, household income,  
4 their year of birth, whether or not they have Internet  
5 access. And that was mainly because we needed to know  
6 whether or not the Internet might have potential for  
7 getting information out to them cost effectively. And the  
8 last is the recycling practices by them and their other  
9 family members.

10 --o0o--

11 DR. FLETCHER: Just to briefly tell you about the  
12 key demographics. The average number of years of driving  
13 experience was 28 1/2 years. So we had a very experienced  
14 group of drivers that we're talking to. 81.2 percent own  
15 or lease one or tow cars; 18.2 percent own or lease a van;  
16 and 39.4 percent own a truck. The average number of miles  
17 driven each year is 20,000. And the median or the middle  
18 number of miles driven if we took and rate all the driving  
19 from the least to the highest is 12,000.

20 --o0o--

21 DR. FLETCHER: The oldest driver that we talked  
22 with was born in 1913, approaching 90 years old; and the  
23 youngest was born in 1984. The median year was 1956. So  
24 we got a really good age spread of not only in terms of  
25 driving experience, but also in terms of age distribution.

1           And a fairly well educated group of people; 47.3  
2 percent had said they had completed a bachelors degree or  
3 higher.

4                               --o0o--

5           DR. FLETCHER: It's interesting to track this  
6 statistic. We asked them if they had Internet access.  
7 85.1 percent said they did. And of course I remember 10  
8 years ago doing research where three -- maybe two or three  
9 percent said they had Internet access. So it's become  
10 more wide spread and is a much greater tool for marketing  
11 and for providing education.

12           It also appears that your mandated recycling  
13 programs are paying off: 89 1/2 percent of the people  
14 interviewed said that they or other family members recycle  
15 on a regular basis.

16                               --o0o--

17           DR. FLETCHER: Moving along to the first topic,  
18 tire safety and maintenance: 88.2 percent of the  
19 respondents said that tires are very important to the  
20 overall safety of their vehicles. So there's a clear  
21 recognition that their tires on their vehicle are  
22 extremely important to their safety. 75.9 percent said  
23 they personally check their tires for wear. And the  
24 methods they use are: Just over half check the wear  
25 lines; about 8 1/2 percent do the penny or dime test where

1 they stick the head of the coin into the tread. The third  
2 is to actually measure the tread; 19 percent do that. And  
3 there were a mixture of other methods that people used.

4 --o0o--

5 DR. FLETCHER: As far as having other people  
6 check their tire wear, over 95 percent said they had  
7 someone else check it. It was either a mechanic or gas  
8 station attendant or another family member or friend.

9 --o0o--

10 DR. FLETCHER: Most -- and I apologize. In your  
11 book, this table is correct. The one up on the screen,  
12 the scale is reversed. Most people check their tires once  
13 a month or less for wear or have someone else check it.

14 --o0o--

15 DR. FLETCHER: And 80.3 percent they say check  
16 their tire pressure and tire wear when their oil is  
17 changed.

18 I think that's a very key point. One of the  
19 groups that future work might be done with are the oil  
20 change places, whether they're gasoline stations or the  
21 Jiffy Lubes or the other stations that do oil changes.  
22 They do in fact a lot of undue service to tires. They  
23 check the oil. They check the fluid levels in the  
24 vehicle, which is part of their procedure. And about 80  
25 percent of these people are saying that either they

1 personally check or the people doing their oil change  
2 check their tires for wear and for proper inflation when  
3 they do an oil change. Which means that that's not that  
4 often, because even if you drive 1500 miles a month,  
5 you're probably only checking it every two or three  
6 months, depending on how often you change your oil.

7 --o0o--

8 DR. FLETCHER: About half the drivers say they  
9 check their tire pressure every month or at least once a  
10 week. The problem -- the disturbing thing is that they  
11 don't -- they're not consistent in the way they check it.  
12 Half of them say they check it with a tire gauge. Another  
13 group say they check it visually. Just over 30 percent  
14 say they visually check the tire. Well, we all know from  
15 the lab review and from other research that if you check  
16 your tires visually and you think, oh, the tire looks  
17 perfectly inflated, and you check it with a tire gauge,  
18 you may find that pressure's down to 10 or 11 pounds. So  
19 the visual low pressure will not show up until the tire's  
20 critically low. So that finding is a little bit  
21 disturbing.

22 --o0o--

23 DR. FLETCHER: And I would say that some of  
24 them -- very few of them are using tapping it with their  
25 finger or their hand or some other method. Most of them



1 are using either a tire gauge or they're checking it  
2 visually.

3 --o0o--

4 DR. FLETCHER: Less than 30 percent of the  
5 respondents to the survey identified the vehicle  
6 manufacturer as the source of recommended air pressures  
7 for their tires. In fact, almost half thought the tire  
8 manufacturer set the recommended tire pressure. And  
9 there's some confusion here. I think the consumer does  
10 not realize that the manufacturer of the tire sets the  
11 maximum tire pressure for the tire and not the proper  
12 inflation for that particular vehicle.

13 In fact just as an anecdote, I have a particular  
14 vehicle that requires 26 pounds of pressure in the front  
15 tires and 35 in the rear. I took it to the oil change  
16 place that changes hundreds of vehicles a month. They  
17 consistently got it wrong. They were looking on the  
18 sidewall of the tire. They were inflating the tires to 35  
19 pounds. I finally had to have them put a special note in  
20 the file for my vehicle to inflate the tires at 26 and 35.  
21 And so it's not only I think confusion among the drivers  
22 of vehicles, but also the people that often times service  
23 the vehicle may not in fact know that the vehicle  
24 manufacturer sets the tire pressure, and you have to check  
25 inside the door or inside the owner's manual to find that

1 proper inflation.

2 Drivers gave several occasions when they rotate  
3 their tires and balance them, some of which were on a  
4 regular basis, some of which either the car was shaking or  
5 it was pulling to one side or the other. Many of them  
6 said though that they're basing their rotations and  
7 balancing on their dealer or their manufacturer or their  
8 mechanic telling them that this should be done.

9 This particular table here shows the breakdown,  
10 with recommendations of the dealer or manufacturer at 16  
11 percent, when they get their oil changed at 12.3 percent.  
12 So you see there's no consistent pattern here with when  
13 people are getting their tires rotated and balanced.

14 --o0o--

15 DR. FLETCHER: About half the drivers say that  
16 they rotate their tires based on either a number of  
17 months, and about a third base it on a number of miles  
18 driven. When I looked at that, the people that are high  
19 mileage drivers do it more based on mileage basis, and the  
20 people that drive, let's say, 12,000 miles a year do it  
21 more on a monthly basis.

22 --o0o--

23 DR. FLETCHER: Clearly, in the survey the drivers  
24 understood that rotating and balancing their tires and  
25 maintaining their cars' front-end alignment and

1 maintaining proper tire pressure were either somewhat or  
2 very important to the life of their tires.

3 --o0o--

4 DR. FLETCHER: So people are very concerned about  
5 and are aware of the fact that these are important to  
6 them. However, their practices are not consistent with  
7 their stating that it is important.

8 --o0o--

9 DR. FLETCHER: We also looked at recent tire  
10 purchases. And about 61 percent of the people that we  
11 interviewed had purchased tires within the past 12 months,  
12 so they were fairly current on tire information because  
13 they had recently made a purchase. And another 21 percent  
14 had purchased tires within the past 13 to 72 months. But  
15 a lot of California drivers are buying tires at least on  
16 one vehicle about once a year when they have multiple  
17 vehicles. 18.2 percent said they'd never purchased tires  
18 for new vehicles. And that's primarily because it's  
19 probably a new vehicle and the tires are not worn to the  
20 point that they need to replace them.

21 --o0o--

22 DR. FLETCHER: About three-fourths said that  
23 their recent tire purchase was planned. And just over 20  
24 percent said that the recent tire purchase was because of  
25 some type of an emergency, either they had a blowout or

1 they had a tread separation, et cetera.

2 About two-thirds purchased four tires when they  
3 purchase new tires, and about a fourth purchased two  
4 tires. So the common practice was to buy either two or  
5 four. It was very few people that said they only bought  
6 one or they bought three. They either replaced the tires  
7 on both axles or on just one axle on the vehicle.

8 --o0o--

9 DR. FLETCHER: Ninety-seven and a half percent of  
10 the people that we interviewed made their most recent tire  
11 purchase from a tire store. The Internet stores only have  
12 about a two and a half percent market share based on our  
13 findings. And the four most frequently cited sources of  
14 tire purchases were -- number one was Costco; Discount  
15 Tire Company, which I think is big in central and southern  
16 California; Sears; and then the independent tire dealers.  
17 They were the top four. And in your report there's a very  
18 detailed table that breaks out market share for each of  
19 these.

20 --o0o--

21 DR. FLETCHER: The three most important types of  
22 information for tire consumers is, number 1, tire safety;  
23 number 2 is proper tire maintenance; and number 3 is  
24 price. And that -- I'm going to come back to that a  
25 little bit later. But I think these are very important

1 points in terms of the strategy to move forward with an  
2 education campaign.

3 --o0o--

4 DR. FLETCHER: Important information and sources  
5 of information about tires from the standpoint of  
6 maintenance are the tire manufacturers, tire stores, TV  
7 news segments, personal mechanic, and Consumer Reports  
8 magazine. I want to come back to this though because when  
9 we -- there's a clear distinction between maintenance and  
10 safety. Where you're talking about maintenance, they rely  
11 on the manufacturers and the tire stores. Where you're  
12 talking about tire safety, we're going to see that the  
13 pattern's a little bit different. And I think in the past  
14 perhaps those issues might have been closely related or  
15 viewed as being basically the same. But there is now a  
16 distinction, at least our data showing that there's a  
17 distinction here.

18 --o0o--

19 DR. FLETCHER: We asked them to write  
20 information -- the importance of information they might  
21 get from a tire store. None of them said that -- we had  
22 every one of them, all four sources of information,  
23 salesperson, posted information about the brand,  
24 brochures, and advertising in the store. No one -- None  
25 of the groups rated them above somewhat important or very

1 important more than about 42 percent of the time.

2           So in-store information is not that important. A  
3 lot of people are getting the information before they go  
4 to the store to make their decision to purchase.

5                               --o0o--

6           DR. FLETCHER: We asked them how many stores they  
7 contacted before they made their tire purchase. And as  
8 can you see from this table, 80 percent said they  
9 contacted three or fewer stores. And, in fact, 13 percent  
10 said they didn't contact any stores. They simply went to  
11 a store and they purchased. They didn't make any  
12 pre-contact with the stores.

13                               --o0o--

14           DR. FLETCHER: Tire purchase criteria. Number  
15 one was quality, number two was performance, third was  
16 warranty, fourth was price, and fifth was brand  
17 reputation. That's what people are looking for when  
18 they're buying new tires. And this was based on their  
19 most recent tire purchase decision.

20                               --o0o--

21           DR. FLETCHER: Then we looked at knowledge of  
22 tire recycling and disposal. 15.3 percent of the survey  
23 respondents had used tires that were not mounted on a car  
24 around their residence. Most of them had -- 87 percent  
25 had four or few tires. But when I correlated that with

1 income, people with less than 40,000 per year in household  
2 income had a much greater probability of having used tires  
3 around their residences than people with incomes greater  
4 than 40,000 per year.

5 --o0o--

6 DR. FLETCHER: About 81 percent of the  
7 respondents believe that discarded tires pose a risk to  
8 health and to the environment. The three most commonly  
9 cited risks were, number one, fire hazard. And that may  
10 be a result of the news coverage of the big tire fires  
11 that have occurred here in California. The second and  
12 third were chemicals draining into the ground and  
13 chemicals draining into the water table.

14 --o0o--

15 DR. FLETCHER: About 95 percent believe that  
16 tires and tire components can be recycled or reused in  
17 some way. However, their knowledge of the various uses is  
18 all over the board. The three more commonly cited uses of  
19 recycled components are asphalt, retreads, and shoes.

20 --o0o--

21 DR. FLETCHER: When we asked consumers, "Would  
22 you be willing to buy a tire with a small percentage of  
23 recycled components in them?" almost half said they would  
24 have no problem buying them, most certainly. And another  
25 27.1 percent said that they'd be just as likely to

1 purchase the tires. That's with the caveat that the  
2 quality, the warranty, and the price are comparable with  
3 new tires.

4 --o0o--

5 DR. FLETCHER: Almost all of the consumers said  
6 that the dealers keep their old tires and dispose of them.

7 --o0o--

8 DR. FLETCHER: And then we asked them about the  
9 tire recycling campaigns. Less than 10 percent had  
10 disposed of a tire through one of your events where -- our  
11 collection events either sponsored by our local or state  
12 government.

13 For those that did in fact utilize or were aware  
14 of the disposal campaigns and the education campaigns  
15 about tires and tire safety and tire maintenance, out of  
16 that 15.8 percent, 6.4 percent heard it on the television,  
17 2 percent through the newspaper, and 1 1/2 percent through  
18 the radio.

19 --o0o--

20 DR. FLETCHER: The most credible sources of  
21 information about tires and tire safety -- I think this is  
22 a very important point -- auto clubs -- three fourths said  
23 that auto clubs were either very effective or somewhat  
24 effective in providing them credible information on tires  
25 and tire safety. Automobile insurance companies were



1 second; brochures at tire shop, third; DMV mailings,  
2 fourth; Consumer Reports, fifth.

3 --o0o--

4 DR. FLETCHER: Now I want to move into the  
5 conclusions. Then I'll open it up for questions.

6 Most of the drivers realize the importance of  
7 proper tire inflation and proper tire maintenance to their  
8 safety and welfare.

9 However, when you look at their practices, their  
10 practices are not consistent with good maintenance  
11 practices. That clearly points to a need to educate the  
12 consumers about: Where do you get the proper tire  
13 inflation? How do you properly check your tires for  
14 proper inflation and proper wear? How often do you do it?  
15 They don't know that. They know it's important, but they  
16 don't know how to operationalize it.

17 --o0o--

18 DR. FLETCHER: Another important point is that  
19 their purchase criteria were tire safety, tire maintenance  
20 and price. If you can tie an education campaign back into  
21 showing them that it's going to improve the maintenance --  
22 by improving the maintenance of your tires, it's going to  
23 improve your safety and it's going to reduce your cost of  
24 operating your vehicle, that's probably going to be more  
25 effective than anything else, to appeal to their pocket

1 book and appeal to their sense for a need for safety,  
2 based on what they told us in the study.

3 --o0o--

4 DR. FLETCHER: Promising outlets for information  
5 about tire maintenance or the manufacturers, the tire  
6 stores, news segments, personal mechanics. And I would  
7 throw in there -- personal mechanics would include like  
8 oil change places where you go to have your oil changed  
9 and your car serviced. And fifth would be Consumer  
10 Reports magazine.

11 --o0o--

12 DR. FLETCHER: They clearly believe that tires  
13 and tire disposal creates an environmental hazard.  
14 However, they really don't know much about what happens to  
15 tires once they're disposed of. All they know is when  
16 they go get new tires, the dealer keeps their old tires.  
17 And they don't really know much about what happens to  
18 them. They've heard a little bit about, well, it's being  
19 mixed with asphalt or it's used for retreads. But they  
20 don't know a whole lot about how it's being used.

21 --o0o--

22 DR. FLETCHER: Another important point is that  
23 they're willing to consider buying tires with recycled  
24 components. And I think that probably deserves a lot more  
25 exploration, because as long as you can maintain the

1 safety and the price and the warranty, they don't have a  
2 problem with buying things with recycled material in it.

3 --o0o--

4 DR. FLETCHER: And the last thing, if you want to  
5 get information out about tire safety, not about tire  
6 maintenance -- that's a separate issue that I just  
7 addressed -- but about tire safety, your auto clubs,  
8 insurance companies, brochures at tire shops, DMV  
9 mailings, and Consumer Reports would probably be the most  
10 effective. Now, looking at those and the cost it'd take  
11 you to sell those depends on the willingness of auto  
12 clubs, insurance companies, et cetera, to partner with  
13 CIWMB to get the information out and to get it out to  
14 their consumers.

15 --o0o--

16 DR. FLETCHER: And with that I'll open it up for  
17 questions.

18 CHAIRPERSON MOULTON-PATTERSON: Thank you. That  
19 was a very enlightening report.

20 Any questions?

21 Mr. Washington.

22 BOARD MEMBER WASHINGTON: In terms of your  
23 survey, I was just here calculating the numbers, you  
24 survey a thousand people statewide?

25 DR. FLETCHER: We surveyed 200 in each of five

1 language groups.

2 BOARD MEMBER WASHINGTON: A thousand people.

3 DR. FLETCHER: Correct.

4 BOARD MEMBER WASHINGTON: And that's for the  
5 entire State of California?

6 DR. FLETCHER: Correct.

7 BOARD MEMBER WASHINGTON: How did you guys come  
8 up with the 200, being that the state has 36 million  
9 people?

10 DR. FLETCHER: The sample size of a study is  
11 really not dependant when you're dealing with large  
12 populations. We have two types of sampling error that we  
13 talk about. One is for small finite populations or known  
14 populations, very small. Let's say we have 100 people.  
15 The sampling error for that would be very different to any  
16 population that's a large population.

17 There are standard error tables that  
18 statisticians have developed and tested for years and  
19 years and years. The sampling error on a sample of 200 of  
20 an infinite population is plus or minus 6.9 percent, with  
21 95 percent confidence. So in other words we're 95 percent  
22 sure that the opinions and the characteristics of the  
23 sample reflect that of the population from which it was  
24 randomly chosen, within plus or minus 6.9 percent.

25 BOARD MEMBER WASHINGTON: That's pretty good. I

1 mean --

2 DR. FLETCHER: That's how we came up with the  
3 sample size.

4 And the other reason we treated non-English  
5 language groups as separate populations because in the  
6 focus groups, it did show in fact that there probably were  
7 some differences in opinions about credibility of  
8 information, about tire maintenance, et cetera. Those  
9 results will be in your final report. But they were  
10 treated as separate populations because they may not be as  
11 familiar with our practices in the United States  
12 particularly if they're non-English proficient. And so we  
13 wanted to find out if in fact their opinions and their  
14 practices were different from English speaking. And so  
15 that's why we had the five different groups.

16 BOARD MEMBER WASHINGTON: That same formula they  
17 used in the last statewide election as it related to the  
18 Secretary of State, Lieutenant Governor, Treasurer, and  
19 Controller. And what we found out, that the numbers were  
20 way off because we used that same -- and that's why I  
21 wanted to ask you that question, because, you know, we  
22 thought that out of the 200 people we surveyed in terms of  
23 who they elect to office, we found out that 20 percent  
24 when they went to the polls went totally the opposite way,  
25 which is a very interesting -- to see how you came up with

1 the formula.

2 DR. FLETCHER: There are a couple reasons that  
3 there might be differences. And I know the Gallup Poll --

4 BOARD MEMBER WASHINGTON: I'm sure there's about  
5 a thousand reasons there might be a difference.

6 DR. FLETCHER: Well, but there are two real good  
7 ones. One is -- and I'm a member of the American  
8 Association of Public Opinion Researchers. And one of the  
9 debates that's been going on -- and I presented a couple  
10 papers at national and international conferences over the  
11 last couple of years. But one of the debates that's going  
12 on is that non-respondents, people that don't respond or  
13 are resistant to responding to a survey are not different  
14 from people that do respond. And so I have taken four  
15 large statewide samples that we have done and compared  
16 what we call resistant responders, people that we've had  
17 to call back multiple times to finally convince to  
18 participate in the study, compared them statistically with  
19 the people that when you first reach them say, "Sure, I'll  
20 do the study," and found that they're different. They're  
21 statistically different. Their opinions are different,  
22 they're different demographically.

23 The election -- the presidential election was  
24 based on a 35 percent response rate when the pollsters  
25 were trying to predict how the Bush/Gore election was

1 going to come out. And the thing that changed the outcome  
2 from what they had predicted was the fact that there were  
3 all these people out here that they assumed -- that didn't  
4 respond that were like the people that did. But they  
5 weren't the same. They were different.

6           What we do is we call back up to seven times, at  
7 randomized times and days of the week. So we maximize the  
8 chance of getting people to participate in the study.  
9 Then we use what we call refusal conversion specialists.  
10 For those people that refuse, we actually call them back  
11 again with a person who's extremely convincing to try to  
12 get them to participate in the study. And so we convert  
13 about 35 to 40 percent of those people to completed  
14 interviews.

15           BOARD MEMBER WASHINGTON: I tried that when I ran  
16 for the State Assembly. And the fifth time I called,  
17 somebody said, "You call back again, I'm never voting for  
18 you."

19           (Laughter.)

20           DR. FLETCHER: That's what we call a hard  
21 refusal. We don't call them back again.

22           BOARD MEMBER WASHINGTON: Thank you, sir.

23           DR. FLETCHER: But the other reason for the  
24 difference in the outcome of the election may have also  
25 been due to things that had changed and new information

1 that had been introduced between the time the poll was  
2 done and the time the election occurred. And that's very  
3 common.

4 In the kind of work that we're doing here, it's  
5 very unlikely, unless you had another big Firestone  
6 debacle, that people's opinions are going to change very  
7 much in a short period of time. So that otherwise we'd  
8 want to do multiple polls and track it over time.

9 CHAIRPERSON MOULTON-PATTERSON: Thank you.

10 We have a number of questions.

11 Mr. Paparian and Ms. Peace and Mr. Jones.

12 Mr. Paparian.

13 BOARD MEMBER PAPARIAN: Yeah, thank you. This is  
14 all very helpful.

15 I just had a question -- when I look back at the  
16 data that you had on the recent tire purchases and the  
17 sources of information that people rated as important, it  
18 looked to me like friends and family rated higher than TV  
19 news segments and Consumer Reports.

20 DR. FLETCHER: I'll go back and look at that.  
21 But we were looking from the media standpoint, what media  
22 outlets are more important. But, yes, particularly I  
23 think among non-English proficient groups we're going to  
24 find that it's extremely high.

25 BOARD MEMBER PAPARIAN: You anticipated my next



1 question, which was it'll be interesting to look at some  
2 of the individual segments to see if there were more  
3 important sources among certain subpopulations.

4 DR. FLETCHER: We're anxious to get that because  
5 I think -- based on the findings from the focus group,  
6 that did come out, that in certain ethnic groups that  
7 friends and family were the most credible sources of all,  
8 that if they wanted information, that's where they'd go.

9 And we will have that very shortly. But I agree  
10 with you.

11 BOARD MEMBER PAPARIAN: I think that'll be real  
12 helpful as we pursue the social marketing concepts that  
13 we're pursuing in our next agenda item.

14 DR. FLETCHER: There's one thing I didn't clearly  
15 address. And you had asked the question about: How can  
16 we effectively communicate?

17 One of the problems is is the information that  
18 drivers need is out there. And we just assume that if we  
19 publish it, that people are going to utilize it. People  
20 are very, very busy. And it came out very clearly in the  
21 focus groups and other discussions we've had, is that,  
22 yes, the information is in the owner's manual. But the  
23 only time they pull it out is when there's an emergency  
24 and they need it. There's not something that's user  
25 friendly that makes it easy to find it. In fact, I was

1 trying to figure out how to reset my clock on my truck.

2 It took me an hour of going through the owner's manual to  
3 figure out how to reset the clock.

4           So whatever's put out, it has to be very salient  
5 to the individual consumer, and it has to be in a form  
6 that they can keep it handy and they can utilize it. And  
7 I just use this as an analogy. In aviation for years  
8 they've learned that check lists are extremely helpful.  
9 I've got one check list, front and back, it's laminated.  
10 It's right there. If I need to know what the emergency  
11 procedures are, I can pull it out and it's right there.

12           We don't have anything like that for auto  
13 consumers. You know, consumers say, "Well, how often  
14 should I change my oil?" or "How often should I check my  
15 tires?" or "How do I check my tire pressure?" "What's my  
16 proper tire inflation pressure?" If all that were on a  
17 card, all that critical information was on a card, it  
18 would probably be a lot more user friendly and probably  
19 utilize it a lot more. But thinking the guy's going to  
20 take -- or the lady's going to take the owner's manual out  
21 and read it when they need to check the tire pressure,  
22 it's not going to happen. And so it's got -- whatever is  
23 developed to try to encourage and facilitate the consumer  
24 doing better maintenance on their tires on their vehicle,  
25 it's got to be easy, it's got to be real user friendly.

1 Otherwise it isn't going to happen. We're not going to  
2 change behavior.

3 CHAIRPERSON MOULTON-PATTERSON: Ms. Peace.

4 BOARD MEMBER PEACE: Well, on the inside of a car  
5 door it'll tell you what oil to use and stuff. So there  
6 isn't anything in there about tire pressure?

7 DR. FLETCHER: It is. It's on the inside of the  
8 driver's door. It's either on the door -- the end of the  
9 door or on the door facing. But surprisingly, most people  
10 don't know that. They think that you look on the side of  
11 the tire to determine what the proper tire pressure is.

12 BOARD MEMBER PEACE: And, also, did I understand  
13 you correctly that you said 84 percent of the people that  
14 were surveyed had a college education?

15 DR. FLETCHER: No, it was I think 47 percent had  
16 a college education or higher.

17 BOARD MEMBER PEACE: Okay.

18 DR. FLETCHER: I would assume -- it may be  
19 different for the other language groups. But, remember,  
20 these are people that are English proficient that have --  
21 a lot of them have lived in California for a long time,  
22 gone through the education system.

23 CHAIRPERSON MOULTON-PATTERSON: Thank you.

24 Mr. Jones.

25 BOARD MEMBER JONES: Thank you, Madam Chair.

1           Just a question on -- when you asked on the tire  
2 purchases, four tires or two tires or one tire or  
3 whatever, was there a follow-up question about -- like, if  
4 they bought two tires, where did they place them?

5           DR. FLETCHER: We did not. We did not ask them  
6 whether they put them on the front or the rear. Generally  
7 though they're going to go with the recommendation of  
8 their mechanic or the dealer because that's their credible  
9 source of information about tire safety and tire  
10 maintenance.

11          BOARD MEMBER JONES: Yeah. Because it will let  
12 you know what people are thinking.

13          DR. FLETCHER: Yes.

14          BOARD MEMBER JONES: Most people will think, put  
15 them on the rear. And the answer is put them on the  
16 front.

17          DR. FLETCHER: Correct. And most dealers -- most  
18 tire dealers will in fact tell you, "Put them on the  
19 front. Rotate the old tires to the back."

20          BOARD MEMBER JONES: Right.

21          CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you  
22 very much. I appreciate your report.

23          DR. FLETCHER: Thank you. Sorry to take as much  
24 of your time, but there's a lot of information there.

25          CHAIRPERSON MOULTON-PATTERSON: I understand

1 that. Thank you very much.

2 Okay. Mr. Lee, Number 20, which is on fiscal  
3 consent.

4 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

5 Board Item 20, it's consideration of the City of  
6 Madera, Grant Award for Local Government Waste Tire  
7 Cleanup Grant Program for Fiscal Year 2002-2003.

8 Staff proposes that the City of Madera be  
9 approved for a grant award in the amount of \$43,618. This  
10 item was heard by the Special Waste and the Budget and  
11 Administration Committees and recommended for consent.

12 Staff recommends that the Board approve  
13 Resolution 2003-373.

14 CHAIRPERSON MOULTON-PATTERSON: Thank you.

15 Mr. Medina.

16 VICE CHAIRPERSON MEDINA: Madam Chair, if there's  
17 no questions or comments I'd like to move Resolution  
18 2003-373, consideration of the City of Madera Grant Award  
19 for the Local Government Waste Tire Cleanup Grant Program  
20 for fiscal year 2002-2003.

21 BOARD MEMBER JONES: Second.

22 CHAIRPERSON MOULTON-PATTERSON: We have a motion  
23 by Mr. Medina, seconded by Mr. Jones to approve Resolution  
24 2003-373.

25 VICE CHAIRPERSON MEDINA: And is that in the

1 amount of 43,618?

2 DEPUTY DIRECTOR LEE: Yes, it is, Mr. Medina.

3 VICE CHAIRPERSON MEDINA: Okay. In that amount.

4 CHAIRPERSON MOULTON-PATTERSON: Okay. Without  
5 objection, please substitute the previous roll call.

6 That brings us to our last item of today, which  
7 is Number 21.

8 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

9 Board Item 21 is consideration of a Scope of Work  
10 and Contractors for the following projects: 1) Developing  
11 Product Stewardship Solutions for Used Tires Contract; 2)  
12 Tire Technology Demonstration Projects Contract; 3)  
13 Evaluation of Health Risks of Emissions from Facilities  
14 with and without Tire-derived Fuels Contract; 4)  
15 Recycled-tire Levee Cutoff-wall Demonstration Project -  
16 Final Report Contract; 5) Evaluation of health effects of  
17 Recycled Waste Tires in Playground and Track Products  
18 Contract; 6) Waste Tire Program Surveillance Equipment  
19 Contract; 7) Compton Community College Used Tire  
20 Demonstration Project Contract; 8) Community-based Social  
21 Marketing Pilot on Proper Maintenance of Tires Contract;  
22 9) Fleet Manager Training on Best Management Tire  
23 Practices and Specifications Contract (Tire Recycling  
24 Management Fund, Reallocation, Fiscal Year 2002-2003).

25 This item was heard by the Special Waste

1 Committee and the Budget and Admin Committees and  
2 recommended for consent.

3 Please note that the Resolution 2003-357  
4 regarding the Scope of Work for the Evaluation of Human  
5 Health Risks of Emissions from Facilities with and without  
6 Tire-derived Fuel Use has been revised.

7 The resolution now reflects the Special Waste  
8 Committee's direction to work with the proposed  
9 contractor, OEHHA, and stakeholders to develop a more  
10 detailed scope of work for consideration by the Board at a  
11 future date.

12 These nine scopes of work reflect the Board's  
13 direction to staff at the May Board meeting, on the  
14 discussion of the Fiscal Year 2002-2003 Tire Fund  
15 Reallocation Agenda Item. Staff also received direction  
16 at that meeting to make recommendations for utilizing the  
17 remaining \$153,380 unencumbered balance which was known to  
18 be available at that time.

19 To that end, staff has proposed that the contract  
20 amounts proposed at the May Board meeting for the Fleet  
21 Manager Training on Best Management Training Practices,  
22 and the Community-based Social Marketing Pilot to Increase  
23 Tire Maintenance be increased by \$70,000 and \$83,380  
24 respectively. These amounts are reflected in the  
25 resolutions you have before you.

1           With that staff recommend that the Board approve  
2 the resolutions for the nine scopes of work which are  
3 numbered 2003-355 through 2003-363.

4           Madam Chair, you may want to consider this as one  
5 motion.

6           CHAIRPERSON MOULTON-PATTERSON: Yeah, I think we  
7 are. But Mr. Jones has a question first.

8           BOARD MEMBER JONES: Thank you, Madam Chair. I  
9 appreciate it.

10          On Attachment 5, evaluate the health effects of  
11 recycled waste tires in playground and track products.  
12 Under "Work Performed," under heading number 2, its going  
13 to be "conduct assessment of toxicology and injury." What  
14 I don't really see in the outline is a real detailed  
15 description of the injury prevention aspects of rubberized  
16 surfaces. There's no quantification of sprains,  
17 contusions, broken bones, those types of things. And  
18 whether it be anecdotal or whatever, I mean there is  
19 information out there about the minimization of injury to  
20 children especially in playgrounds and things like that  
21 where rubberized -- even running tracks where rubberized  
22 mats are down. And we need to have that as part of this  
23 study. It can't just be about the toxicology and the  
24 breakdown of the tire material. Otherwise I don't think  
25 it's a true evaluation.



1           DEPUTY DIRECTOR LEE: I don't think we have any  
2 problem with that. As I, again -- just to summarize, make  
3 sure I understand this. You just want to make sure, in  
4 addition to toxicological effects, we're also looking at,  
5 you know, the potential of issues that are related to  
6 physical injuries that may occur or may be prevented, you  
7 know, by using these types of products.

8           BOARD MEMBER JONES: Absolutely. I mean it's the  
9 key thing to rubberized tracks, is less impact on bones,  
10 less -- you know, less injuries, broken bones, those types  
11 of things. And when we're looking at the health effects  
12 of a rubberized pavement, it can't all be on the negative.  
13 It's got to be on the positive too. And the positive  
14 being, you know, what kind of prevention do these surfaces  
15 provide our children. On both of them.

16          DEPUTY DIRECTOR LEE: Yeah, we don't have a  
17 problem with that, Mr. Jones.

18          CHAIRPERSON MOULTON-PATTERSON: Thank you.

19          BOARD MEMBER PEACE: This is a very important  
20 thing here. And I would like to make sure that when the  
21 scope of work is more defined, that the study is really  
22 statistically significant and scientifically reproducible  
23 as to make the study really valid and so nobody will have  
24 any questions about it.

25          CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.

1 Mr. Medina.

2 I'm sorry. Go right ahead.

3 BOARD MEMBER PEACE: No, that was a different  
4 thing than what they were talking about.

5 DEPUTY DIRECTOR LEE: Ms. Peace, with regards to  
6 the concern you just raised there, this was -- staff just  
7 alerted me to the fact that again there is significant  
8 money in the contract, you know, for doing, you know,  
9 various testing and with regards to either of the issues  
10 to increase the scientifically validity of, you know, what  
11 they're proposing.

12 BOARD MEMBER PEACE: Thank you.

13 CHAIRPERSON MOULTON-PATTERSON: Thank you.

14 Mr. Medina.

15 VICE CHAIRPERSON MEDINA: Madam Chair, if there's  
16 no further discussion or questions, I'd like to move the  
17 following resolutions: Resolutions 2003355, 2003-356,  
18 2033-357, 2003-358, 2003-359, 2003-360, 361, 362, 363,  
19 364, 365, 366 revised, 367, 368, 369, 370, 371, and 372.

20 BOARD MEMBER JONES: Second.

21 CHAIRPERSON MOULTON-PATTERSON: Thank you.

22 We have a motion by Mr. Medina, seconded by Mr.  
23 Jones, to approve the resolutions as read.

24 Please call the roll. And we'll keep this open  
25 for Mr. Paparian, who had to leave.

1 SECRETARY WADDELL: Jones?

2 BOARD MEMBER JONES: Aye.

3 SECRETARY WADDELL: Medina?

4 VICE CHAIRPERSON MEDINA: Aye.

5 SECRETARY WADDELL: Peace?

6 BOARD MEMBER PEACE: Aye.

7 SECRETARY WADDELL: Washington?

8 BOARD MEMBER WASHINGTON: Aye.

9 SECRETARY WADDELL: Moulton-Patterson?

10 CHAIRPERSON MOULTON-PATTERSON: Aye.

11 Thank you.

12 And I did want to announce --

13 DEPUTY DIRECTOR LEE: Madam Chair.

14 CHAIRPERSON MOULTON-PATTERSON: Oh, I'm sorry.

15 DEPUTY DIRECTOR LEE: Excuse me. There's one  
16 additional item that's related to this item that I wanted  
17 to bring to the Board's attention.

18 The \$153,380 unencumbered balance I referred to  
19 earlier did not include an additional a \$45,680, which  
20 became available recently with the withdrawal of the  
21 County of Marin's application for a Waste Tire Cleanup  
22 Grant. Staff would like to recommend that the Chair  
23 direct the Administration and Finance Division to augment  
24 a mandatory student contract with the available balance of  
25 \$45,680, which will otherwise revert to the Tire Fund if

1 not encumbered by June 30th. Since the student contract  
2 is a mandatory contract, there is no required Board vote  
3 or resolution needed.

4 I would also point out that the staff's  
5 recommendation was discussed with the Special Waste  
6 Committee and received their approval.

7 CHAIRPERSON MOULTON-PATTERSON: Okay. Well, we  
8 certainly want not to lose the money. We won't be having  
9 any other -- even if we had to vote on it, we won't be  
10 having any other Board meeting before then.

11 Any problems?

12 I don't see any.

13 Okay. Thank you.

14 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

15 CHAIRPERSON MOULTON-PATTERSON: I did want to  
16 announce that tomorrow Item 44, the consideration of an  
17 appeal by Redwood Rubber, is time certain for 9:30. And I  
18 neglected to mention that when I was going over the  
19 agenda.

20 Any public comments at the end of today? This is  
21 just the conclusion of day one of a two-day meeting.

22 Seeing none, the Board will go into closed  
23 session.

24 VICE CHAIRPERSON MEDINA: Madam chair, I just  
25 wanted to state that I am on standby for jury duty all

1 this week. So I have to call in every day. And in case  
2 I'm not here tomorrow, that's where I will be, discharging  
3 my civic duty.

4 CHAIRPERSON MOULTON-PATTERSON: Thank you.

5 I have mine July 4th I have to start calling in.

6 Thank you.

7 And so we're going to go into closed session to  
8 discuss -- excuse me?

9 About 10 minutes is what we need?

10 EXECUTIVE DIRECTOR LEARY: Yes, please.

11 CHAIRPERSON MOULTON-PATTERSON: Oh, you need --

12 EXECUTIVE DIRECTOR LEARY: I'm sorry, Madam  
13 Chair. If I -- yes, if I could have 10 minutes please  
14 before we go into closed session.

15 CHAIRPERSON MOULTON-PATTERSON: Sure.

16 EXECUTIVE DIRECTOR LEARY: A 10-minute break.

17 Excuse me. I'm sorry.

18 CHAIRPERSON MOULTON-PATTERSON: I thought you  
19 wanted to talk for 10 minutes before we went in.

20 (Laughter.)

21 EXECUTIVE DIRECTOR LEARY: Oh, yeah.

22 CHAIRPERSON MOULTON-PATTERSON: Okay. Yeah,  
23 we'll go in at --

24 EXECUTIVE DIRECTOR LEARY: That would clear this  
25 room out faster than anything.

1 CHAIRPERSON MOULTON-PATTERSON: -- 2:35.

2 (Thereupon the California Integrated

3 Waste Management Board recessed at

4 2:25 p.m.)

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1 CERTIFICATE OF REPORTER

2 I, JAMES F. PETERS, a Certified Shorthand  
3 Reporter of the State of California, and Registered  
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the  
6 foregoing California Integrated Waste Management Board  
7 meeting was reported in shorthand by me, James F. Peters,  
8 a Certified Shorthand Reporter of the State of California,  
9 and thereafter transcribed into typewriting.

10 I further certify that I am not of counsel or  
11 attorney for any of the parties to said meeting nor in any  
12 way interested in the outcome of said meeting.

13 IN WITNESS WHEREOF, I have hereunto set my hand  
14 this 1st day of July, 2003.

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23 JAMES F. PETERS, CSR, RPR

24 Certified Shorthand Reporter

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